Research and Statistics Division

JustResearch

2005 – Issue No. 12

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Welcome

In this issue of JustResearch, we are pleased to focus on the theme: ***Justice and the Canadian Family***. Family is an important but sometimes difficult construct to incorporate into analysis. Families are evolving, their very nature is one that changes as children mature and leave home to take on independent lives. The importance of family in society is less based on the structure of that family than the role it plays in the lives of children and adults, in transferring generational information, nurturing the young, caring for the elderly, supporting each other in emotional, economic and pragmatic ways. Families continue to be important, but they do not continue to be the same.

Families typically encounter the justice system during moments of crisis, such as divorce, changes in parental responsibilities (e.g., child support, custody and access), or the arrest of a young person for criminal behaviour. While preventative measures are laudable and realistic, the truth is that such crises will nonetheless occur in many Canadian families. The justice system, therefore, needs to be fair, accessible and efficient in order to reduce the strain, as much as possible, on families.

In this issue of JustResearch, some of the major policy research questions in the area of 'Justice and the Canadian Family' are explored. Kelly Morton-Bourgon and Dr. Guy Bourgon examine the question of whether involving the family in the treatment of adolescent sexual offenders has an impact on treatment effectiveness. Dr. Cherami Wichmann presents a statistical

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Submission Guidelines for Prospective Authors

Submissions

To submit an article to JustResearch, please send an electronic copy of the article via email to the following address:

Editor
JustResearch
Research and Statistics Division
Department of Justice Canada
E-mail address: jeff.latimer@justice.gc.ca

Style and Focus

The goal of JustResearch is to disseminate and integrate policy relevant research results across the Department of Justice Canada and within our readership. As such, articles should focus on issues related to the mandate and the broader policy direction of the Department of Justice Canada and be written in a clear and non-technical language appropriate for a broad audience. Please consider the themes for upcoming issues in the preparation of your submissions.

Length

Articles should be between approximately 2000 to 4000 words (5-10 pages, single spaced, Times New Roman, 12-point font) including references, tables and figures.

Content

Articles may be submitted in either French or English. Authorship and institutional affiliation should be included with all submissions. Please note that headings and sub-headings are strongly encouraged. Tables and Figures should be numbered consecutively and placed appropriately throughout the article. References, footnotes and endnotes should be in the style of the most recent edition of the *Publication Manual of the American Psychological Association*.

Publication

Please note that we cannot guarantee all submissions will be published. All accepted articles will be edited for content, style, grammar and spelling. Any changes will be sent to the author(s) for approval prior to publication.

Upcoming Themes

Issue:	Number 13, Theme: Achieving Justice for Vulnerable Canadians;
Due Date:	Submissions should be received by February 28, 2005.
Issue:	Number 14, Theme: New and Emerging Justice Issues;
Due Date:	Submissions should be received by June 30, 2005.

WELCOME...
continued...

profile of today's Canadian family using the most recent data. Catherine Thomson provides an overview of recent research sponsored by the Department of Justice Canada on family transitions using data from the National Longitudinal Survey of Children and Youth. Jeff Latimer takes a critical look at Multisystemic Therapy - a response to serious youth delinquency that broadens the focus beyond the young person to the family as a whole. Marie Gannon and Karen Mihorean provide one of the first direct comparisons of sentencing outcomes between family violence convictions and other violent convictions in Canadian adult courts. Finally, Rick Gill and Dr. Cherami Wichmann provide a brief summary of their recent work into shared parenting arrangements.

As always, we are pleased to include information on current and upcoming research from the Research and Statistics Division.

If you are interested in submitting an article for a future issue of JustResearch, please refer to our Submission Guidelines for Prospective Authors, which also contains information on upcoming Themes.

Enjoy!

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FEEDBACK

We invite your comments and suggestions for future issues of JustResearch. We welcome your ideas for upcoming themes and are happy to accept original submissions for publication. We may be contacted at: rsd.drs@justice.gc.ca

Recent and Upcoming Conferences

66th Annual National Council on Family Relations Conference

November 16-20, 2004. Orlando, Florida, USA.

Theme: Inequalities in Families

http://www.ncfr.org/conference_info/index.asp

9th Annual Alliance for Work-Life Progress Conference

February 9-11, 2005. Lake Buena Vista, Florida, USA.

Theme: Changing demographics and definitions of today's workforce; trends and direction in dependent care; bottom-line impact of employees' health, wellness and well-being; and, corporate citizenship, community collaboration and public policy initiatives

http://www.awlp.org/

42nd Annual Association of Family and Conciliation Courts Conference

May 18-21, 2005. Seattle, Washington, USA.

Theme: Solving the Family Court Puzzle: Integrating Research, Policy and Practice

http://www.afccnet.org/pdfs/AFCC_Seattle_Call_B_W_2004.pdf

Connexions

Centre for Children and Families in the Justice System

http://www.lfcc.on.ca/

The Centre for Children and Families in the Justice System of the London Family Court Clinic is a non-profit agency in London, Ontario, Canada, which advocates for the special needs of children and families involved in the justice system.

Family Law Centre

http://www.familylawcentre.com/

One of Canada's largest and most comprehensive Internet resources for family law related issues and questions.

Department of Justice Canada - Federal Child Support Guidelines

http://canada.justice.gc.ca/en/ps/sup/

Information on the Federal Child Support Guidelines and their application in Canada.

Department of Justice Canada - Parenting After Divorce

http://canada.justice.gc.ca/en/ps/pad/index.html

Information on federal government's Child-Centred Family Justice Strategy, as well as information and resources for parents about the current system; and Research and reports on parenting arrangements after separation and divorce

Statistics Canada Site

http://www.statcan.ca/english/Pgdb/

Great source of information on Canadian Statistics, including families using various data sources.

RESEARCH IN PROFILE

Profile of Families and Children

INTRODUCTION

By Dr. Cherami Wichmann,
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Even the most cursory search of the internet reveals that all across the world the structure of families is changing. This is no less true for Canada. Over the last few decades, the prevalence of the "traditional" family, composed of a married mother and father with their biological offspring, has declined noticeably. We have seen the rise of different family structures, such as "childless couples", "single-parent families", "common-law families" and "blended families". There are major transformations, such as the merger of two families with children and there are more minor transformations, such as the addition of a step-sibling. Today's families are not a static entity. Children are born into one family type, but many will experience several transitions before they leave their parents' home. For example, children born into a single parent family may transition to a blended family, or from a common-law family to a single parent family, or one in which children live with both parents separately.

"Over the last few decades, the prevalence of the "traditional" family, composed of a married mother and father with their biological offspring, has declined noticeably."

In response, policy makers, researchers and service providers have had to adjust their perspectives to accommodate these different types of families, and to take into account the increasing number of transitions that children (and adults) make throughout their lifetimes. This profile provides a snapshot of Canadian families coming in to the 21st century. It will be interesting to see how the distribution of these family types change (or not) over the next few decades, and whether whole new family forms emerge.

FAMILIES IN CANADA

One of the main sources of data on families in Canada is the Census of Population conducted by Statistics Canada every five years. Data is collected on the number and types of families, the size of families and households, country of birth, language spoken, religious affiliation, ethnic diversity, information about people from visible minorities, mobility, education, household activities, income, and paid and unpaid work. The most recent census was taken on May 15, 2001 and provides reliable information the

"One of the main sources of data on families in Canada is the Census of Population conducted by Statistics Canada every five years."

1 Ottawa: Statistics Canada, October 22, 2002. 2001 Profile of Canadian families and households: Diversification continues. Catalogue no. 96F0030XIE2001003

PROFILE OF FAMILIES...
continued...

demographic, social and economic characteristics of the Canadian population, and Canadian families.[1] The most recent Census was conducted on May 15, 2001.

The census definition of a family is a married or common-law couple with or without children or a lone-parent with at least one child living with them. Children in a census family also includes children who live with a grandparent but not with a parent.

"According to the census definition, there were 8,371,020 families in Canada in 2001; 63.5% of these families had children living in the home."

According to the census definition, there were 8,371,020 families in Canada in 2001; 63.5% of these families had children living in the home.

Common-Law Relationships and Marriage

"The 2001 Census showed that an increasing proportion of couples are choosing to live common-law and a decreasing proportion are choosing to marry."

The 2001 Census showed that an increasing proportion of couples are choosing to live common-law and a decreasing proportion are choosing to marry. In 2001, there were 5.9 million married couples and 1.2 million common-law couples. As Table 1 indicates, between 1981 and 2001 there was a 15% decrease in the proportion of married couples (83.1% to 70.5%) and an increase of 146% in the proportion of common-law couples (5.6% to 13.8%). The trend toward common-law relationships was strongest in Quebec, where common-law families represented 30% of all couple families in that province.

Table 1: Family Structure for Census Families, Canada 1981 to 2001[2]

Year	*All Couple families*	*Married couples*	*Common-law couples*	*All lone-parent families*	*Female lone-parent*	*Male lone-parent*
2001	84.3%	70.5%	13.8%	15.7%	12.7%	2.9%
1996	85.5%	73.7%	11.7%	14.5%	12.1%	2.5%
1991	87.0%	77.3%	9.8%	13.0%	10.7%	2.2%
1986	87.3%	80.2%	7.2%	12.7%	10.4%	2.2%
1981	88.7%	83.1%	5.6%	11.3%	9.3%	2.0%

Lone-parent families

"There were 1.3 million lone-parent families in 2001[3], the majority of these (81%) being mother-headed households."

There were 1.3 million lone-parent families in 2001[3], the majority of these (81%) being mother-headed households. Between 1981 and 2001 there was a 38% increase in the proportion of lone-parent families (11.3% to 15.7%).

2 Table created from data presented in the Statistics Canada table: Number of Children at Home (8) and Family Structure (7A) for Census Families in Private Households, for Canada, Provinces and Territories, 1981 to 2001 Censuses - 20% Sample Data - Cat. No. 97F0005XCB01001

3 By definition, all lone parent families have children in the home.

PROFILE OF FAMILIES...
continued...

Same-Sex Couples

For the first time in 2001, the Census collected information on same-sex couples in Canada.[4] A total of 34,200 same-sex common-law couples self-identified in the 2001 Census, representing 0.5% of all couples. There were slightly more male same-sex couples (55%) than female same-sex couples (45%).

Mixed Unions[5]

"For the first time in 2001, the Census collected information on same-sex couples in Canada.4"

Analysis of Census data indicated that in 2001, approximately 3.2% of the couples in Canada were comprised of either 1) one partner from a visible minority group and one partner who was not, or 2) partners from two different visible minority groups. This represents a 35% increase from 1991 (2.6% to 3.2 %).

The people in mixed unions tend to be younger, not born in Canada, have higher levels of education and to live in large urban areas, than other couples. These persons are also more likely to be in common-law relationships rather than marriages (representing 4% of all common-law unions versus 2.9% of all marriages). However, this factor may be due mostly to their age, as common-law unions are more prevalent among young people.

"The people in mixed unions tend to be younger, not born in Canada, have higher levels of education and to live in large urban areas,..."

Children in Canada

As of May 15, 2001 there were 7.5 million children under the age of 19 living with census families, approximately 5.7 million of these children being under 15 years. These children were almost equally represented by gender (51% male).

Aboriginal Children

More than 976,000 persons self-identified in the 2001 Census as Aboriginal.[6] This number is 22% higher than reported in 1996. One third (33%) of Aboriginal children[7] were under that age of 15, a proportion much higher than reported for the non-Aboriginal population (19%). Overall, Aboriginal children made up 5.6% of the population under the age of 15.

"As of May 15, 2001 there were 7.5 million children under the age of 19 living with census families, approximately 5.7 million of these children being under 15 years."

4 This is not an indication of the number of gay and lesbian persons in Canada; the census did not ask about sexual orientation, but rather if persons were living with a partner of the same sex. There is likely an underestimation of the number of same-sex couples, but proportions of same-sex couples reported in Canada are similar to those in other countries.

5 Anne Milan and Brian Hamm (2004). Mixed Unions. A Statistics Canada publication available at: http://www.statcan.ca/english/studies/11-008/feature/11-008-XIE20040016882.pdf

6 2001 Census: analysis series Aboriginal peoples of Canada: A demographic profile. Ottawa: Statistics Canada Catalogue no. 96F0030XIE2001007

7 Identified as Aboriginal by their parents.

Children from a Visible Minority

Just over 13% of the total Canadian population comprised persons from a visible minority in 2001. However, children and youth under the age of 15 made up a large share (24%) of the visible minority population.

Changes in Family Structure

As indicated by Table 2, over the last 20 years there has been a shift in the types of families in which children live.

Table 2 Percent of Children Under the Age of 15 Living at Home and Family Structure for Census Families, For Canada 1981 to 2001[8]

Year	*Married Couples*	*Common-law Couples*	*Lone Parents*
2001	69.0%	12.9%	18.1%
1996	73.2%	10.5%	16.4%
1991	79.0%	7.0%	14.0%
1986	82.8%	4.6%	12.6%
1981	85.9%	3.2%	10.9%

Children in Married or Common-law Families

In 2001, 4.6 million children under the age of 15 (81.9% of children) were living with married or common-law couples (who may or may not be their biological or adoptive parents). Between 1981 and 2001, there was a 20% decrease in the proportion of children living with married couples (85.9% to 69%) and a 303% increase in the proportion of children living with common-law couples (3.2% to 12.9%).

"Between 1981 and 2001, there was a 20% decrease in the proportion of children living with married couples...and a 303% increase in the proportion of children living with common-law couples..."

Factors associated with living with common-law couples in 2001 included the child's age and where the family lives: younger children and children in Quebec were more likely to live with common-law couples; older children, and those in other regions of Canada tended to live with a married couple.

Children in Lone-Parent Families

Another type of family structure in which children may live (either through birth or the death of a parent or as a result of a separation or divorce) is a lone-parent family. In 2001, just over 1 million children under the age of 15 lived in a lone-parent household. Fifteen percent of these lone-parent families were headed by fathers and 85% by mothers. For older children (15-19 years), 21%

8 Table created from data presented in the Statistics Canada table: Age Groups (12B), Family Structure (7A) and Sex (3) for Children in Census Families in Private Households, for Canada, Provinces and Territories, 1981 to 2001 Censuses - 20% Sample Data. Ottawa: Statistics Canada, October 22, 2002. 2001 Census of Canada. Catalogue number 97F0005XCB01002

PROFILE OF FAMILIES... continued...

of lone-parent families were headed by fathers and 79% by mothers. The proportion of children living in lone-parent households increased 66% between 1981 and 2001 (10.9% to 18.1%)

Children Living with Grandparents [9]

Some children live with grandparents instead of parents - Statistics Canada refers to these families as "skip generation families". As of May 15, 2001, this group accounted for less than .5% of children under 15 years, or about 25,20 children.

"The proportion of children living in lone-parent households increased 66% between 1981 and 2001..."

Children in Same-Sex Families

More female than male same-sex couples had children living with them. About 15% of female same-sex couples had children compared to only 3% of male same-sex couples.

Families of Aboriginal Children [10]

Sixty-one percent of Aboriginal children under the age of 15 lived with two parents in 2001; this is far fewer than the 83% of non-Aboriginal children who lived with two parents. Conversely, twice as many Aboriginal children lived with a lone parent in 2001 as non-Aboriginal children; 35% of Aboriginal children were in lone-parent families in comparison to 17% of non-Aboriginal families. Four percent of Aboriginal children had other living arrangements (including living with relatives), whereas less than 1% of non-Aboriginal children had the same type of arrangements.

"More female than male same-sex couples had children living with them."

Family Transitions [11]

The National Longitudinal Survey of Children and Youth (NLSCY), co-sponsored by Statistics Canada and Human Resources Development Canada, yields the best data about the extent of parental transitions experienced by children.[12]

A first transition for children would occur when either 1) children born into a two parent family lose a parental figure in the household (either through separation/divorce or death); or 2)

"Sixty-one percent of Aboriginal children under the age of 15 lived with two parents in 2001; this is far fewer than the 83% of non-Aboriginal children who lived with two parents."

9 Statistics Canada Daily for December 9, 2003. Grandparents and Grandchildren, 2001. Based on Census 2001 data.

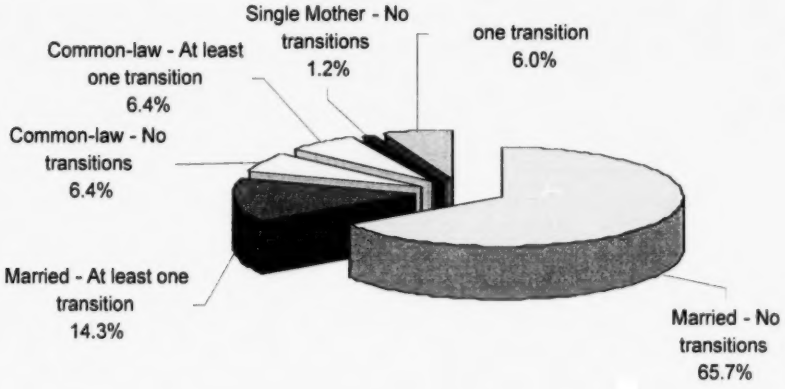
10 2001 Census: analysis series Aboriginal peoples of Canada: A demographic profile. Ottawa: Statistics Canada Catalogue no. 96F0030XIE2001007

11 Information in this section based on Juby, H, Marcil-Gratton, N, and LeBourdais, C (in press). Moving on: The expansion of the family network after parents separate. Ottawa: Department of Justice and communications with the Montreal demographers (Juby et al.).

12 The NLSCY is a longitudinal survey through which data has been collected once every two years since 1994/95. For each household, and with respect to each child, the surveyor asked a question to identify the person most knowledgeable about the child (e.g. "Who is most knowledgeable about Johnny?") The person identified to be the most knowledgeable then answered all questions about the child and his or her spouse/partner or former spouse/partner. In the majority of cases, the biological mother was identified as the person who would respond. The survey asks about the physical arrangements for the child, both residence and contact arrangements with non-residential parents.

children born into a single parent family gain a parental figure in the household as their parent forms a new union (e.g., step-parent).[13]

Figure 2. Number of Transitions in 1996-97 for children aged 6-13 years, NLSCY, Cycles 1 and 2 [14]


Single Mother - No transitions 1.2%
one transition 6.0%
Common-law - At least one transition 6.4%
Common-law - No transitions 6.4%
Married - At least one transition 14.3%
Married - No transitions 65.7%

"...just over one in four children experienced a family transition between their birth and 1996-97, when they were between 6 and 13 years of age."

Figure 2 shows the breakdown of family transitions for all children aged 6-13 in 1996-97. The majority of children (80%) were born to married parents; 12.8% of children were born to common law parents and 7.2% were born to single mothers. Overall, just over one in four children experienced a family transition between their birth and 1996-97, when they were between 6 and 13 years of age. For those children born to married parents, the majority did not undergo family transitions between birth and 1996-97. That is, 82% of children with married parents had not experienced a transition up to this point; this represents 65.7% of children. Fifty percent of children with common-law parents underwent at least one transition, representing 6.4% of children. Children born to single mothers were very likely to experience at least one family transition. Eighty-three percent of children born to single mothers underwent at least one transition, representing 6% of children.

This data indicates that many children born in the 1980s lived through a family transition at a young age. Other data also indicates that many of these children will undergo more than one transition. Within the first two years of separation, more than one third of children had at least one additional "parent figure"; this number increased to two thirds after five years and to 87% after 10

13 There is a potential for other transitions to occur (e.g., a grandparent moves in or out of the home as a primary caregiver), however, analyses undertaken by Juby, H, Marcil-Gratton, N, and LeBourdais, C (in press) only refer to direct transitions of children's parents.

14 Based on data from:Juby, H. Marcil-Gratton, N. and LeBourdais, C. (in pess). Moving on: The expansion of the family network after parents separate. Ottawa: Department of Justice.

PROFILE OF FAMILIES... continued...

years. After 10 years almost half of the children (44%) had both an additional father and mother figure as a result of transitions by both parents.

Step Families [15]

The General Social Survey of Family and Friends (Cycle 15) [16] provides some information about step-families.[17] The GSS indicates that 11.8% of couples with children living in the household are step-families (split equally between married and common-law couples). This number is up 17% from 1995. Approximately 40% of those step-families are "blended" meaning that they contain the children from one or both prior unions as well as at least one biological or adoptive child of the couple. Information from the NLSCY[18] indicates that almost one in five children (0-13 years of age in 1996-97) had at least one step-sibling or half-sibling.

"...11.8% of couples with children living in the household are step-families..."

How Many Children of Separation and Divorce in Canada?

As noted above, one way though which children transition into another family unit is separation or divorce. There is no single data source that accurately captures the number of children affected by separation or divorce in Canada. While the NLSCY provides some indicators that can be used to develop an estimate of the number of children, at the time of writing survey data is only available on children up to the age of 11. Nevertheless, these data have been used to estimate and extrapolate to the population between 0 and 19. A conservative estimate for 2001 of the number of children between 0 and 19 who have experienced the separation and

"There is no single data source that accurately captures the number of children affected by separation or divorce in Canada."

15 Information in this section based on: Statistics Canada (2002). Changing Conjugal Life in Canada. Catalogue no. 89-576-XIE accessible free of charge at www.statcan.ca

16 The General Social Survey (GSS) runs in cycles, with a different topic each year. Topics include: demographic characteristics (age, sex, marital status); information on the family origin; unions of the respondent; fertility and family intentions; and values and attitudes. The target population for Cycle 15 of the GSS was all persons 15 and older in Canada. The GSS sample excluded residents of the Yukon, Northwest Territories, and Nunavut due to the fact that the small numbers of inhabitants did not allow for random sampling techniques to be utilized. In addition full-time residents of institutions were not included in the sampling. Cycle 15 of the General Social Survey (GSS) collected in 2001 is the third cycle to collect information on family life in Canada.

17 A step family is made up of two adults, at least one of whom has children from a prior union (these children may or may not live with the couple). This umbrella term also encompasses blended families in which there are children from a previous union as well as children (biological or adopted) of the current union)

18 Based on analyses from Juby, H, Marcil-Gratton, N, and LeBourdais, C (in press). Moving on: The expansion of the family network after parents separate. Ottawa: Department of Justice.

PROFILE OF FAMILIES...
continued...

divorce of their parents in Canada is around 2.1 million.[19,20] This is likely an underestimation; more definitive numbers, however, are not available at this time.

WHERE DOES THE DATA TAKE US?

"Simple analyses of the current family unit do not take into account the intricacies of reality, the history of the family and the transitions it's members have undergone. As researchers attempting to shape policy, we need to be cognizant of this fact..."

Even examining the snapshot presented above, it is apparent that we cannot view the family as a single static entity. Simple analyses of the current family unit do not take into account the intricacies of reality, the history of the family and the transitions it's members have undergone. As researchers attempting to shape policy, we need to be cognizant of this fact and come up with ways to bring life to our data rather than attempt to make it fit into a two-dimensional mould. Difficult perhaps, but possibly the only way to even come close to portraying the contemporary family.

19 This figure was arrived upon through communications with the Montreal demographers (Juby et al.).

20 The NLSCY, a national survey that is a sample of children, can yield the best data about the extent of parental transition experienced by children. At the time of calculation however, survey data was only available for those children up to the age of 11. A conservative estimate of the family breakup for children 11 and under is 25% (it may currently be higher but we do not have the numbers). For children 12-19 a conservative estimate is 30%. This means we are estimating 5% of the 12-19 who have not already experienced a family break-up by the age of 11 will do so. Again this is likely a very conservative estimate. So if we take 25% of children 11 and under (n=1128795) and 30% of children 12-19 (n=979105), we get a figure of 2.1 million children under the age of 19 who have experienced the separation or divorce of their parents.

We are now welcoming submissions for our next issue on the theme of

Achieving Justice for Vulnerable Canadians

Please send your submissions to
jeff.latimer@justice.gc.ca

Submission deadline
February 28, 2005

Family Involvement in the Treatment of Sexually Abusive Youth

By Kelly E. Morton Bourgon,[1]
Research Officer,
Research and Statistics Division,
and
Guy Bourgon,[1]
Public Safety and Emergency
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INTRODUCTION

Research on general delinquency has shown that youth who have family involvement in treatment show more positive results (Howell & Hawkins, 1998; Latimer, Dowden & Morton-Bourgon, 2004). For example Multi-Systemic Therapy, which has shown positive results in the United States, includes the entire family system (as well as other systems) in the treatment process (Henggeler, Mihalic, Rone, Thomas, & Timmons-Mitchell, 1998). However, not all families choose to be involved in a youth's treatment process. Identifying the characteristics of a family that participates in treatment can assist service providers in pre-screening which families are more or less likely to become involved in treatment. This could allow clinicians to focus on the pertinent factors that may impede family involvement. In addition, studies have shown that parenting style affects a delinquent youth's future criminality (Hawkins, Herrenkohl, Farrington, Brewser, Catalano, & Harachi, 1998). However, little is known about parenting behaviours and sexually abusive youth. The identification of influential parental behaviours may assist clinicians in identifying the specific behaviours that require attention during "family work" in the treatment of sexually abusive youth.

"Research on general delinquency has shown that youth who have family involvement in treatment show more positive results..."

This study investigated the following three questions:

1. What type of family gets involved in a youth's sexual offender-specific treatment for youth?
2. Do youth with family involvement demonstrate more improvement on outcome measures than youth without family involvement?
3. Are parental behaviours related to treatment benefits for youth with family involvement?

1 Network for Research on Crime and Justice
2 For a detailed description of the measures, please contact the authors at kbourgon@justice.gc.ca.

FAMILY INVOLVEMENT...
continued...

Method

Measures [2]

1. Estimate of Risk of Adolescent Sexual Offense Recidivism (ERASOR: Worling & Curwen, 2001) is a 25-item empirically guided risk instrument designed to assess risk for sexual recidivism in 12 to 18 year old youth who have previously committed a sexual assault.
2. Youth Level of Service/Case Management Inventory (YLS/CMI: Hoge & Andrews, 1999) is a structured interview designed to assess the criminogenic risk and needs of youthful (< 19 years) offenders.
3. Bronfenbrenner Family Questionnaire (BFQ: Bronfenbrenner, 1965) is a self-report instrument completed by the youth that attempts to measure the frequency of various parental behaviours as rated by the adolescent.
4. The Treatment Outcomes for Adolescent Sexual Offenders (TOASO: Rich & Sauer, 1997) is a therapist rating scale designed to evaluate the adolescent's demonstration, or understanding, of certain behaviours and/or concepts generally covered in sex offender specific treatment

"One-third of the youth reported being sexually abused and 48% reported being physically abused."

Sample

The participants in this study were part of a larger Canadian study on specialized services for sexually abusive adolescents with data provided by 15 agencies across Canada. Prior to data collection, each youth (and parent/guardian, where necessary) gave consent to participate in the project. Data was collected using a specific battery of tests administered to the youth and another battery administered to the youth's primary therapist. The method requested that each youth be assessed pre-treatment, halfway through the treatment program, and again at the end of treatment. Data on 127 youth had been collected at the time of this analysis: 126 males and 1 female. Ninety-seven youth were from Ontario, 22 from Manitoba and the remaining 8 were from Saskatchewan, the Yukon or Newfoundland. The mean age at the start of treatment was 15.4 years old (SD = 1.8). One-third of the youth reported being sexually abused and 48% reported being physically abused. In 51% of the cases, there was no history of abuse reported. The family was involved in treatment in 72% of the cases.

FAMILY INVOLVEMENT... continued...

Data on family composition were available for two-thirds of the youth (n=84). Fifty-five percent of youth came from dual parent (intact) families; the remainder came from lone-parent or blended families. At the time of assessment, 59% were living with their family, 20% were living in a temporary placement situation, and 21% were permanently separated from their families.

Results

What type of family gets involved in the treatment of sexually abusive youth?

Two strategies were employed to examine the characteristics of youth and their families that were associated with family involvement. The first strategy involved calculating correlations of specific demographic factors with family involvement. These factors were: age of the youth, family composition, closest parent to the youth, residing with potential victims, history of sexual abuse, previous agency involvement, having siblings, the victim's gender, type of offence, worst intrusion, number of victims, whether or not the youth was convicted, the age difference across victims, the source of the referral and the type of treatment. Six variables were found to be significantly related to family involvement in treatment (see Table 1).

"Six variables were found to be significantly related to family involvement in treatment..."

Table 1. Family more likely to be involved in youth's treatment if...

Characteristic	r
Youth is younger	.329
Closest parent is biological mother or father	.328
Youth not convicted of the offence	.307
Youth in less restrictive treatment (community, probation, residential)	.304
Family has no/lower incidence of involvem ent with other agencies	.191
The family is intact (dual -parent)	.168

The second strategy involved comparing the risk level of youth with family involvement (FI) to youth with no family involvement (FNI). FI youth had significantly lower risk levels for both sexual and non-sexual recidivism, when compared to FNI youth (see Figure 1). In fact, FNI youth were assessed at a higher risk on 12 of the 13 subscales of the ERASOR and the YLS/CMI compared to FI youth.

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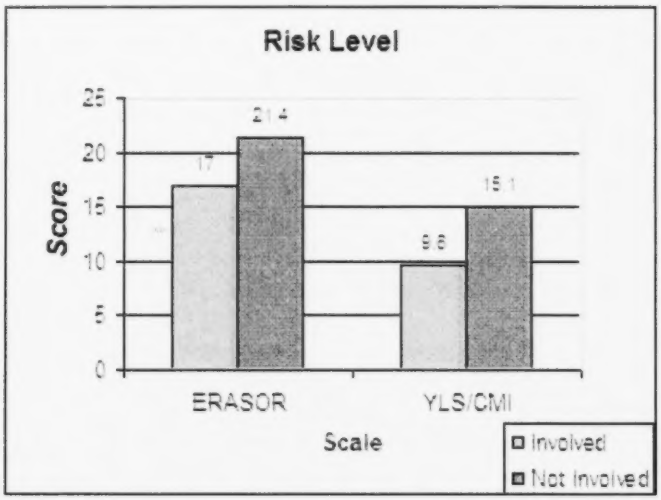
Figure 1. Risk level of youth at intake.



IMPLICATIONS

It was found that a family was more likely to be involved in treatment when the youth was younger, their closest parental figure was a biological parent, the youth had not been convicted of their offence, the youth participated in less restrictive treatment, the youth/family had less prior agency involvement, and the family was considered biologically intact. This suggests that less problematic families, where the sexual offending is addressed at a younger age are more likely to be involved in treatment. Whereas the more problematic families, those with multiple experiences with the system (criminal justice or mental health), as well as other potential stressors (e.g., divorce, legal proceedings), were less likely to be involved in the youth's treatment. The significant differences found on both risk measures between FI youth and FNI youth provided additional support to this observation - that those youth with higher levels of risk and families with more needs are less likely to be involved in treatment. It is precisely in these higher risk cases that both youth and their family require services to prevent the probability of their criminal behaviour continuing into adulthood.

"...higher risk cases...require services to prevent the probability of their criminal behaviour continuing into adulthood.".

These results suggest that two different approaches, for the two different types of families, may be useful during the initial contact phase to enhance the possibility of involving families in the treatment process and improving the quality of the involvement. In the case of low risk youth, clinicians can adjust their approach to focus on the issues that are more likely to be salient to them, such as understanding the stress and/or the shame associated with a youth's sexual offending. In the case of the higher risk youth, a

FAMILY INVOLVEMENT...
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more effective approach may involve spending more energy persuading the family of the importance of their participation in the treatment process and how they can assist the youth in initiating and maintaining change. As such, motivational interviewing techniques may be of value. Even if the family remains reluctant, revisiting the possibility of their involvement at a later date should be encouraged. Additionally, it may be important to focus specifically on parental issues that may be impeding their involvement (e.g., divorce, tension within the family, stress from legal proceedings).

Do youth with family involvement demonstrate more improvement on outcome measures than youth without family involvement?

This question was investigated using separate Analysis of Variance examining pre - post changes on the ERASOR, YLS/CMI, BFQ and the TOASO. Surprisingly, only one significant difference was found, on negative parental behaviours. FNI youth rated their parents higher on negative parental behaviours after treatment compared to their pre-treatment levels. Contrary, FI youth rated their parents as significantly reducing their level of negative parental behaviours following treatment (See Figure 2).

"...treatment appeared to result in a greater degree of positive changes for the FNI (no family involvement) youth in comparison to FI (family involvement) youth."

Figure 2. Negative Parental Behaviours Scale

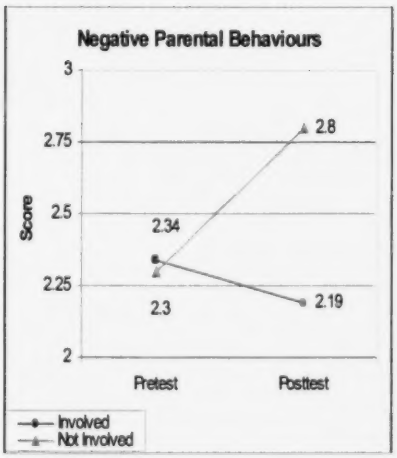
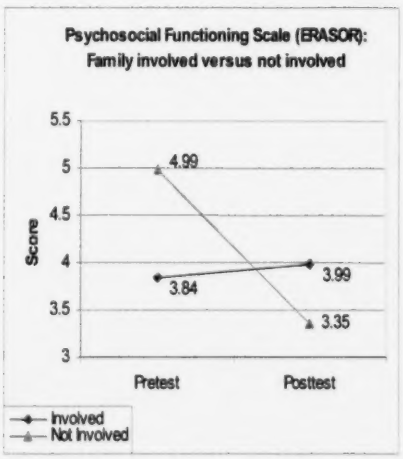


Figure 3. ERASOR Psychosocial Functioning Scale



Interestingly, we noted a trend, although not significant, across a number of the scales: treatment appeared to result in a greater degree of positive changes for the FNI youth in comparison to FI youth. Typically, FI youth were at lower risk, or demonstrating

FAMILY INVOLVEMENT... continued...

less of a problem in the area assessed, than the FNI youth. By the end of treatment, the two groups were about equivalent. The FI youth appeared to remain at the same level from pre to post treatment, whereas FNI youth appeared to show a decrease in risk level or problem. For example, the Psychosocial Functioning Scale of the ERASOR (Figure 3), the YLS/CMI total score (Figure 4) and the Social Skills Scale of the TOASO (Figure 5) illustrate this trend.

Figure 4. YLS/CMI Total Score

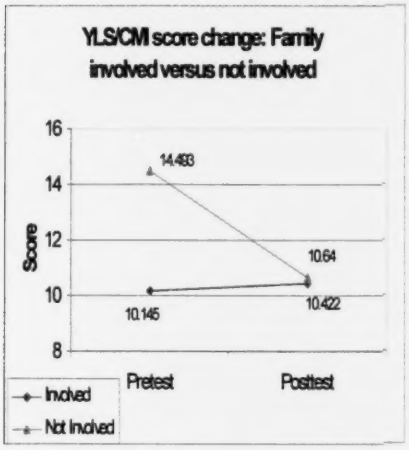
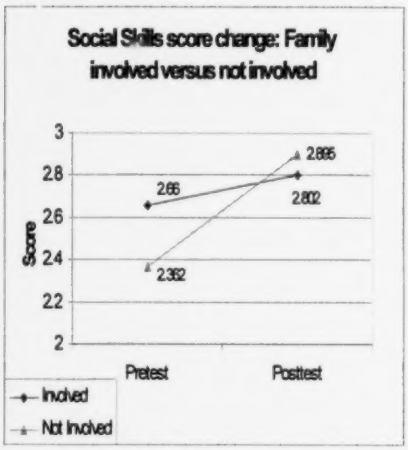


Figure 5. Social Skills Scale (TOASO)



IMPLICATIONS

"...data appeared to indicate that it was the FNI youth that were exhibiting a better response to treatment."

It was surprising that we did not find support for our hypothesis that FI youth would exhibit more positive changes as a result of treatment when compared to FNI youth. The data appeared to indicate that it was the FNI youth that were exhibiting a better response to treatment. A plausible explanation for this contra-intuitive finding can be found in the risk principle of Andrews and Bonta (2003). They state that level of services should be matched to the offender's risk level in order for the services to be most efficacious. That is to say that intensive treatment is most effective when provided to higher risk individuals and that treatment for lower risk individuals is most effective when those services are minimal and/or less intense. As described earlier, FNI youth were significantly higher risk pre-treatment than the FI youth. These higher risk youth have more needs and their problems are likely more complex and severe than the lower risk youth. According to the risk principle, it is these higher risk youth that demonstrate a greater degree of amenability to treatment.

Of course, this is not to say that youth who are of lower risk can not benefit from treatment for sexual offending. However, the question remains as to what level of intensity and duration of

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such services is needed in order to change the offending behaviour of lower risk youth. This is an important question as the average length of sex offender specific treatment in this sample was 18 months; it is possible that a shorter duration of treatment for lower risk youth may be sufficient. Future investigations into the relationship between treatment duration and re-offending would be helpful to determine the necessary and sufficient "dosage" level of treatment for youth of differing levels of risk in order to reduce the likelihood of future sexual and nonsexual criminal behaviour.

Are parental behaviours related to treatment benefits for youth with family involvement?

For this question, we examined data on only FI youth (N=89). Parental behaviour was characterized on two different dimensions, positive and negative parental behaviours. For each dimension, parental behaviour was categorized as high or low using a mean split on each of the two parental behaviour scales of the BFQ at intake. In this fashion, a youth was considered to have parents scoring either high or low on positive parental behaviours and either high or low on negative parental behaviours. The high and low groups on each dimension were then compared on their post treatment BFQ scores, as well as on their pre-and post-risk scores. In this manner, we hoped to identify if the level of positive parental behaviours or negative parental behaviours were related to treatment changes.

"...negative parental behaviours appeared to play a mediating role in the youth's risk level over the course of treatment."

Youth with high positive parental behaviours showed no significant changes across treatment compared to youth with low positive parental behaviour. Parents who started treatment with many positive behaviours, continued to maintain a high level of positive behaviours. The same was true for parents with a low level of positive parental behaviours - they maintained low levels. Additionally, there were no significant differences between high and low positive parental behaviour groups on the risk measures across treatment. This suggested that positive parental behaviours demonstrated no predictive ability to changes in the adolescent's behaviour over the course of treatment. In other words, for youth with parents involved in treatment, those with parents demonstrating many positive behaviours (high) did as well in treatment as those adolescents with parents demonstrating few positive behaviours (low).

Similar to positive parental behaviour, negative parental behaviour also showed little change over the course of treatment as approximately 50% of the parents rated as high on negative behaviours remained high after one year of treatment. However, negative parental behaviours appeared to play a mediating role in the youth's risk level over the course of treatment. Specifically, youth

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in the high negative behaviour group showed deterioration on 8 of the 12 risk subscales (the criminal history scale of the YLS/CMI was not included, as it is static). In other words, these youth were rated to be at higher risk at post-treatment compared to pre-treatment. On the other hand, youth in the low negative parental behaviour group were found to reduce their level of risk on 11 of the 12 subscales.

Implications

These results indicated that parenting style did not appear to change over the course of treatment, indicating its resiliency. Nonetheless, it appears that negative parental behaviours have an influence on the youth's responsiveness to treatment as seen by the changes in risk levels over treatment. Youth who reported their parents exhibited high levels of negative parental behaviour were found to increase their risk level over the course of treatment. Whereas youth who reported their parents exhibited few negative parental behaviours were found to reduce their level of risk over the course of treatment. This result, coupled with the resiliency of parenting style, would suggest that it may be beneficial for therapists to specifically address negative interactions within the family, with an emphasis on teaching and reinforcing positive and encouraging interactions between parent and child.

"Youth who reported their parents exhibited high levels of negative parental behaviour were found to increase their risk level over the course of treatment."

Conclusion

It has been illustrated that there are certain characteristics of families of sexually offending youth that are related to the family's participation in sex-offence specific treatment. Recognizing that families of higher risk youth are less likely to participate in the treatment process, treatment providers can take a more cautious approach to engaging these families in the treatment of the youth. It may be beneficial to utilize motivational interviewing techniques with the parents and/or provide assessment/counselling services for marital and family problems that are sometimes viewed as distal to the sexual offending behaviours of the youth. On the other hand, families of lower risk youth are more likely to be involved in the treatment process. Being cognizant of this can permit clinicians to expedite the engagement of the family and parents into treatment and may start to deal with key treatment issues earlier on in the treatment.

"...the results of the present investigation did not support the general view that a critical factor to a youth's responsiveness to treatment is the involvement of his/her family in the treatment process."

Nonetheless, the results of the present investigation did not support the general view that a critical factor to a youth's responsiveness to treatment is the involvement of his/her family in the treatment process. Our results indicated the opposite; youth responded better to treatment if their family was not involved in treatment, in comparison to those youth with their families involved. However, upon closer examination of the data, we found

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"...youth without their families participating in treatment were at higher risk to re-offend than those youth that had their families participating in treatment."

that youth without their families participating in treatment were at higher risk to re-offend than those youth that had their families participating in treatment. In light of this difference, we propose that these results reflect Andrews and Bonta's risk principle: that treatment intensity and duration should match the level of risk. This principle indicates that, when treatment is rather intense and lengthy, as it typically is for sexually aggressive youth, it is these higher risk cases that would demonstrate the most benefit.

Finally, for those youth whose families were involved in treatment, it was found that negative parental behaviours, not positive parental behaviours, played a significant mediating role to changes in risk for sexually abusive youth in treatment. These results suggest that it may be very important to include specific interventions (such as ways to replace negative behaviours with more positive and encouraging ways of interacting and disciplining the youth) in the family/parental components of a treatment program. This may be crucial, as parenting behaviours appeared to be rather resilient to change.

In conclusion, the precise role of the family in the treatment of youth, particularly with sexually abusive youth, remains to be elucidated. There are still few published studies examining the overall effectiveness of sexual offence specific treatment with youth (Worling & Curwen, 2000). Further research is necessary to identify the nature of a youth's responsiveness and progress, and how this is associated with the involvement of his family in the treatment process.

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Research Funded by the Department of Justice Canada on the National Longitudinal Survey of Children and Youth

By Catherine Thomson,
Senior Research Officer,
Research and Statistics Division,
Department of Justice Canada.

INTRODUCTION

Few Canadian national data sources exist that can provide the basis for analysing outcomes from children as they face the separation and divorce of their parents. As we look for ways to address and meet the best interests of children, we look for empirical evidence for what is happening now in instances of family break up. The National Longitudinal Survey of Children and Youth provides a unique opportunity to track the development and experience of children as they mature. Initial data collection in 1994-95 collected information for 0-11 year olds, and these children have been followed every two years since. This article summarizes several of the research studies sponsored by the Department of Justice using the National Longitudinal Survey of Children and Youth.

Custody, Access and Child Support: Findings from the National Longitudinal Survey of Children and Youth [1]

"The National Longitudinal Survey of Children and Youth provides a unique opportunity to track the development and experience of children as they mature."

This report was prepared for the Department by Marcil-Gratton and Le Bourdais. The Family History and Custody section of the National Longitudinal Survey of Children and Youth (NLSCY) [2] provides a much needed source of Canadian data on children's family experiences. Family context at break-up, as well as subsequent experiences and longevity of arrangements, cannot be studied using other data sources. Maintenance enforcement data available from the Canadian Centre for Justice Statistics contains only the subset of cases for which formal, enforceable support obligations have been registered, and therefore does not accurately reflect the full population of families experiencing support and custody needs at family break up. Divorce statistics reported through Statistics Canada Vital Statistics section do not cover the break up of common law unions, nor those married couples who separate but have not divorced, and therefore only reflect a proportion of all families in Canada.

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1 Marcil-Gratton, Nicole, and Céline Le Bourdais (1999) *Custody, Access and Child Support: Findings from The National Longitudinal Survey of Children and Youth.* Ottawa: Department of Justice Canada, Child Support Team (CSR-1999-3E/3F). http://canada.justice.gc.ca/en/ps/sup/pub/anlsc.pdf

2 For more information on the NLSCY, please see Statistics Canada website http://www.statcan.ca/english/sdds/4450.htm.

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Initial examination of the Family and Custody History data revealed some interesting findings: children are being born in greater numbers to common-law couples, and are more at risk of seeing their parents separate than if they had been born to married parents. Children of broken common law unions are more likely to live with their mother, see their father irregularly, and are less likely to benefit from regularly paid child support.

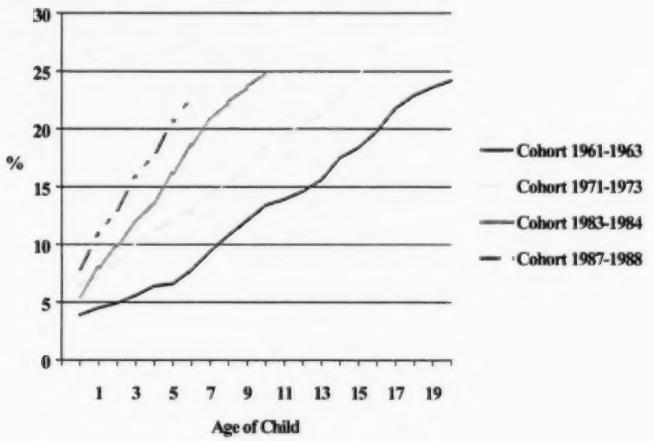
"...children are being born in greater numbers to common-law couples, and are more at risk of seeing their parents separate than if they had been born to married parents."

Children whose parents divorce (not merely separate) are more apt to have a court order for child support; children who have a private arrangement for child support are more likely to benefit from regular payment.

Comparing data from the Family History Survey 1984 (1961-1963 cohorts), the General Social Survey 1990 (1971-1973 cohorts) and the NLSCY 1994-1995 (1983-1984 and 1987-1988 cohorts) provides an illustration of the extent of and trends in family break up for children over different periods of time. Of children born at the start of the sixties, about one quarter had been either born to a single mother or had seen their parents' separation by the time they were 20 years old. For half of these families, the separation had occurred after the child had reached ten years of age.

"Of children born at the start of the sixties, about one quarter had...seen their parents' separation by the time they were 20 years old."

Figure 3 -Cumulative Percentage of Canadian Children Who Were Born to a Lone Parent or Have Lived Through the Separation of Their Parents



Sources: 1961-1963 Cohorts = Family History Survey 1984;
1971-1973 Cohorts = General Social Survey 1990;
1983-1984/1987-1988 Cohorts = NLSCY 1994-1995.

"Children born in the seventies experienced their parents' separation earlier. By the age of 15, already a quarter of them had lived through their parents' separation,..."

Children born in the seventies experienced their parents' separation earlier. By the age of 15, already a quarter of them had lived through their parents' separation, the majority of them before they were ten years of age.

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"For children born in the early eighties, a quarter of them had seen parental separation by the age of ten;..."

For children born in the early eighties, a quarter of them had seen parental separation by the age of ten; for those children born later in the decade (1987-1988), the quarter mark was reached by age 6.

Initial data from this survey indicate that 80% of children under the age of 12 are in their mother's residential custody. Seven percent are in their father's custody, with 13% being described as shared physical custody. Of those 13% in shared physical custody, 69% of these children actually lived a majority of the time with their mother.

Linking Family Change, Parents' Employment and Income and Children's Economic Well-Being: A Longitudinal Perspective [3]

This report, prepared by Juby, Le Bourdais and Marcil-Gratton, examined situations where family break up had occurred between the two cycles of data collected (cycle 1 in 1994-95, and cycle 2 in 1996-97), and compared outcomes in relation to pre-break up characteristics of families. Pre break up earning opportunity, employment choices and patterns may have a bearing on choices and arrangements made after the family has broken apart. Additional cycles of available data also enabled analysis as to durability of outcomes already present at cycle 1.

Most of the children in two-parent families (95%) have at least one of those parents with full-time employment. The most common arrangement is for both parents to be working full-time; this is true for 43% of children. The second most common arrangement is with one parent working full-time and one parent working part-time (27%), followed by children with a stay-at-home parent and the other working full time (20%). In lone-parent families just over 40% of children lived with a parent working full-time.

"The higher the family income before separation, the more likely children were to live either in shared custody or in their father's custody."

Pre separation family earning characteristics were examined in relation to outcomes for custody. The higher the family income before separation, the more likely children were to live either in shared custody or in their father's custody. The importance of income in relation to shared custody is obvious, with the need for two family homes.

Shared custody is a popular choice for dual earner couples. About 20% of children in double-income families were in shared arrangements compared with 6% of other families (one or neither parent is employed).

3 Juby, Heather, et al (2004) Linking *Family Change, Parents' Employment and Income and Children's Economic Well-Being: A Longitudinal Perspective* - Family Children and Youth, DOJ - 2003 - 2E -

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Children of single earner families were more apt to stay with their father after separation. Twenty percent of these children stayed with their fathers, compared to under 8% when both or neither parent was working. Children stayed with their mothers 89% of the time, when neither parent had full time employment.

The longevity of different types of custodial and contact arrangements was also examined in this report. Data were compared at cycle 2 for those children who already had custody and access provisions in place at cycle 1. Living arrangements for those in father custody or mother custody were very durable. Almost all the children living with their father at cycle 1 (relatively small group, only 7% of children in 1994-95) continued in that arrangement 2 years later. Similarly, children living with their mothers were also by and large still in those arrangements. The frequency of contact with their fathers did change over that time period, and not only in one direction.

Conversely, shared living arrangements in place in 1994 were not the same 2 years later at cycle 2. Nine of ten children had a different arrangement: 4 of 10 children now lived with their fathers, and 5 of 10 lived with their mothers.

"Living arrangements for those in father custody or mother custody were very durable."

When Parents Separate: Further Findings from the National Longitudinal Survey of Children and Youth [4]

With a third cycle of data collected (1998-99), Juby, Marcil-Gratton and Le Bourdais took a longer look at the evolution of trends and revealed:

- The proportion of children born in a marriage dropped from 85% to 69% (comparing those children born in 1983/84 to those born in 1997/98);
- The proportion of children born to cohabiting couples rose from 9% to 22% (with the incidence doubling in Ontario, and tripling in the eastern provinces);
- The probability of parental separation rose throughout the 1980s but levelled off by the early 1990s;
- Birth to single mothers increased from 6% to 10%. In the Atlantic provinces, 1 in 6 babies are born outside a union; and,
- There was a rise in joint custody during the 1990's.

Children's arrival within a family context can also be examined from the standpoint of whether they are part of their mother's or father's second family. For older children, this was true for 11% of them, compared with 18% for the younger children.

4 Heather Juby, Nicole Marcil-Gratton and Céline LeBourdais (2004) - 'When Parent's Separate: Further findings from the National Longitudinal Survey of Children and Youth (NLSCY)"(in press).

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Family structure can be a misleading way to study family break-up, given that there are different ways to arrive at lone parent or even an "intact" family. Similarly, children born to second families have a different family environment compared to those born into first families. The presence of half-siblings and stepsiblings can add further complexity. For the child of separated or divorced parents, their "family unit" may refer to a residential unit, or it may refer to biological parents, one of whom is non-resident. For this reason, the authors introduce the family life course approach to studying family break up, as opposed to family structure.

There are two kinds of two-parent families-intact families (4 out of 5 children belong in this category) where neither parent has other children living elsewhere, and second families.

Second families themselves are of three varieties:

a) Paternal half siblings live elsewhere (i.e., with their mother - about 5% of children are in this group which is sometimes referred to as quasi-intact);
b) Stepfather families (i.e., maternal half siblings only live there - there are about 5% of children in this group too); and,
c) Paternal half siblings and sometimes maternal half-siblings are present (about 3% of children are in this situation).

"...the age of the child is an important factor in living arrangements, with shared and sole father custody more likely for older children."

Eleven percent of children born in 1997-98 had lived from birth with half-siblings, with another 7% having half-siblings in another household.

Age of children, their sex, whether their parents had a formal court order or a private agreement, and where the family lived in Canada were examined in a multinomial logistic regression model to assess these factors in relation to the likelihood the children would live with their father rather than their mother.

The model confirmed that the age of the child is an important factor in living arrangements, with shared and sole father custody more likely for older children. There was also an increase in popularity of shared living arrangements during the latter part of the 1990s. Private custody agreements were more likely to incorporate shared living arrangements, as were arrangements made in Quebec. Interestingly, children were much more likely to either be in shared living arrangements or live with their father than children elsewhere. Interesting too, was that the child's sex did not appear to have an impact on the type of custody arrangements.

Shared custody then, appears to have gained some popularity, although the report further examines what the details of the arrangements entail. Quite a significant range of possibilities were

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included in the notion of shared custody, with some respondents indicating they had a shared arrangement, when the description actually corresponded to sole custody with liberal visitation. Seventeen percent of the children had a custodial arrangement that involved spending every second weekend with one parent, and the rest of the time with the other parent. Most respondents would recognize this as sole custody with liberal visitation.

Shared custody arrangements tend to be more flexible, and perhaps this fluidity contributes to the lack of clarity. Using 1998-99 data, the move from a shared custody arrangement occurred over time. If the length of separation was under 2 years, 83% of children were still in a shared arrangement; from 2-3 years, this dropped to 37% remaining in a shared arrangement. At 4-5 years, only 13% remained in a shared arrangements, and at 6 plus years, only 8% remained with shared arrangements.

"Shared custody arrangements tend to be more flexible, and perhaps this fluidity contributes to the lack of clarity."

Moving On: Expansion of the Family Network After Parents Separate[5]

This report, prepared by Juby, Marcil-Gratton and Le Bourdais, concentrated on the broader family networks of children whose parents had separated or divorced. The continuing conjugal path of parents might include the arrival of stepparents, and step- and half- siblings, bringing complexity into a child's family environment. The relationships with parents and stepparents are explored through the eyes of the child: how do they perceive their relationship with parents and stepparents?

Using the notion of family transition allows the study to focus on family network, and on relationships with non-resident family members who remain part of the child's family. Moving beyond the residential group, the composition of a child's family depends on where in their parents' conjugal path they arrive.

"The probability that parents will enter new conjugal unions rises consistently with time since separation, although fathers form new relationships more rapidly than mothers..."

Findings in this report include:

- The probability that parents will enter new conjugal unions rises consistently with time since separation, although fathers form new relationships more rapidly than mothers;
- Mothers and fathers in Quebec formed new relationships more rapidly than other mothers and fathers elsewhere in Canada;
- New conjugal unions are equally likely for once married parents and common law unions;

5 Juby, Heather et al, (2004) *Moving On: The Expansion of the Family Network After Parents Separate*, (in press)

RESEARCH FUNDED...
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- Non-resident fathers who have only limited contact with their children are most likely to enter new relationships; those with full custody are least likely to enter into new relationships; and,
- Children are more likely to live with their mother's new partner than their father's new partner. In other words, more children live with step fathers (84%) than with step mothers (6%).

Almost half of the new relationships were formed with partners who already had children. As most children remain with their mothers after separation, stepsiblings do not often live in the same residence. Mothers, however, tend to have new children within these subsequent unions more quickly than fathers. As a result, children more often live with maternal half-siblings than with paternal half-siblings. For children aged 0-13 years as of the 1996-97 NLSCY cycle, nearly one in five had at least one stepsibling or half sibling.

"...children more often live with maternal half-siblings than with paternal half-siblings."

Children gain younger half siblings when their separated parents have children in their new unions, and they gain older half siblings by being born into a second family where there are already children from one of the parents' previous unions. Half siblings are connected by kinship, whereas stepsiblings may remain part of the family only as long as the parents remain together. The most common situation is for children born into a step family environment (having older half siblings). Very few children (3%) had both step and half siblings.

The NLSCY asked children aged 10-15 about their ability to confide in their parents, and other authority figures, such as teachers and coaches. Both boys and girls indicated they were more likely to confide in their mothers than in their fathers. Not surprisingly, and regardless of family circumstances, teens have a declining ability to confide in their parents, although it is more so the case for teen daughters. Where there had been an instance of parental separation (and even if there had been a reconciliation), fewer children felt able to confide in both of their parents.

Relationships with stepparents were also explored. Biological fathers are still identified as the "father figure with whom they spend the most time" even when living with their mother and a stepfather. Children regarded their biological father more highly compared to their stepfather. Even so, where step fathers were considered the main father figure (by children), 45% of the children indicated they received a great deal of affection from him, as opposed to very little (21%).

A multivariate logistic regression was used to clarify the interplay between family environment and socio-economic background. Living with a lone mother raises the probability of children not

RESEARCH FUNDED... continued...

feeling close to their father. Living with a mother and stepfather lead to less significant feelings of closeness to a stepfather (if he had been identified as the main father figure by the child). Children living with their biological father felt very close to him, even more so than for children whose parents never separated.

Looking at the study of family in terms of categories can mask a variety of dynamics. Studying family transitions and life courses can reveal a great deal more about the nature of a child's family environment, his or her residential group, existence of an extended sibling network, and the existence of stepparents. The complexity of this shifting nature of family circumstances for some children, and for some parents needs to be considered when examining how policies and services need to be tailored to address their needs.

"The picture of a child's family life course that emerges is full of contrasts: between children born into two parent rather than one-parent families, or to married rather than cohabiting parents, in terms of the different levels of complexity of their family life pathways. The series of events initiated by separation alters the child's family landscape, multiplying the number of parents, siblings and other relatives that children relate to in the course of their childhood, creates another contrast: that between children who spend their entire childhood within an "intact" family, with no parents other than biological ones and no siblings other than their full siblings, and those who do not-an ever increasing group of youngsters with an entirely different experience of what family life and membership is all about."

"The complexity of this shifting nature of family circumstances... needs to be considered when examining how policies and services need to be tailored to address their needs."

Conclusion

There remains much more that can be studied as these children reach the ages at which they make their own decisions about family formation and child rearing. The NLSCY has provided Canadian context to study family break up. The family law area is an extremely fluid one, where the identity of the respondent is often as important as the response.

Multisystemic Therapy as a Response to Serious Youth Delinquency

By Jeff Latimer,
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INTRODUCTION

One of the more pressing social concerns of the last few decades in Canada has been the prevention and treatment of youth delinquency. A substantial amount of research has been conducted in an effort to better understand how and why youth engage in criminal behaviour. The results generally confirm that the antecedents of youth delinquency comprise a tangled and inter-related set of factors. A significant and robust subset of factors, which is amenable to counselling intervention, however, can be grouped under the family domain. In crime prevention discourse, the family is a major focus, not only as a principal contributory factor, but also as a meaningful solution.

"In crime prevention discourse, the family is a major focus, not only as a principal contributory factor, but also as a meaningful solution."

In Canada, the National Crime Prevention Centre (NCPC) adopted, as one of its principles, the notion that "the responsibility of parents and others raising young people is to be affirmed and the contributions of extended families and community members are to be encouraged" (1995, p. 1). In addition, the NCPC stated that support for and involvement with families should be the tools used to promote parental responsibility and reduce delinquency. The new Youth Criminal Justice Act, which replaced the Young Offenders Act in April 2003, also reaffirms the importance of the family in the Declaration of Principle. Section 3(c)(iii) states that measures taken against young persons who commit offences should:

> *be meaningful for the individual young person given his or her needs and level of development and, where appropriate, **involve the parents, the extended family**, the community, social or other agencies in the young person's rehabilitation and reintegration (emphasis added).*

"...interventions designed to provide parent training to positively manage children has been found to significantly reduce delinquency."

The positive role of the family in the treatment of delinquent behaviour has also received support from evaluations of numerous treatment programs (e.g., Gordon, Graves & Arbuthnot, 1995; Henggeler, Melton & Smith, 1992; Klein, Alexander & Parsons, 1977), and meta-analyses (e.g., Dowden & Andrews, under review, Latimer, 2001; Latimer, Dowden & Morton, 2004). Howell and Hawkins (1998) concluded that interventions designed to provide parent training to positively manage children has been found to significantly reduce delinquency. In fact, Roberts and Camasso (1990) surveyed the ten most commonly used interventions for delinquents during the 1980s and found that only family therapy produced clearly positive and convincing results.

MULTISYSTEMIC THERAPY... continued...

Not only have family focused interventions been shown to be effective, they are also the preferred approach among professionals working with youth delinquents. Mulvey and Repucci (1984) surveyed court, mental health and welfare workers and discovered that all of these professionals ranked family therapy for young offenders as the most preferred intervention for both first-time and repeat offenders. In a survey of police officers' views on diversion, it was determined that police would be much more supportive of diverting youth away from the criminal justice system if it placed the responsibility back on to the family (Canadian Youth Foundation, 1999). Officers believed that offering support to young offenders' parents, and making them more accountable for the behaviour of their children, are effective measures to prevent future delinquency.

"...police officers'...believed that offering support to young offenders' parents, and making them more accountable for the behaviour of their children, are effective measures to prevent future delinquency."

Unfortunately, complex social problems, such as delinquency, cannot always be effectively treated through simplistic or single-focused responses. There are numerous intervening factors at work that moderate the relationship between the family and delinquency, such as antisocial peers, poor school attachment, substance abuse, and criminogenic communities (Hawkins et al., 1998; Lipsey & Derzon, 1998). Therefore, while family dysfunction is a critical criminogenic need of delinquent youth, targeting additional needs is also important to increase the overall effectiveness of interventions.

For example, Andrews and Bonta (2002) identified several criminogenic needs that are appropriate to target in the treatment of offenders including anti-social attitudes, pro-criminal associates, personality factors, family factors and low levels of educational and employment attainment. In addition, Latimer et al. (2003) identified negative parenting, poor school attachment, victimization, anti-social peers, and aggression as the five core factors associated with delinquency in a national sample of youth.

"...effective counselling that has the potential to reduce criminal behaviour among youth should both focus on the family and target the known factors associated with delinquency. Multisystemic Therapy...has been promoted as one such approach."

In other words, effective counselling that has the potential to reduce criminal behaviour among youth should both focus on the family and target the known factors associated with delinquency. Multisystemic Therapy (MST) has been promoted as one such approach. Multisystemic Therapy has been described as a family preservation model, based on the philosophy that the most effective and ethical route to helping youth engaged in delinquency is through helping their families. MST views families as valuable resources, even when they are characterized by serious and multiple needs. It is argued, however, that MST goes beyond simple family interventions by attempting to remove offenders from deviant peer groups and providing school and vocational interventions to enhance the youth's capacity for future employment and financial success. Henggeler (1999) claims that MST attempts to change the real world functioning of youth by altering their natural settings (e.g., home, school, and neighbourhood) in a manner that promotes pro-social behaviour while decreasing antisocial behaviour.

MUTLISYSTEMIC THERAPY... continued...

The goal of this paper is to examine the application of Multisystemic Therapy in criminological counselling with adolescents. First, this paper provides a general description of Multisystemic Therapy. Second, this paper examines the theoretical basis for such an approach. Third, the research into the effectiveness of MST is explored, including recent meta-analyses that have sought to aggregate individual evaluations as a more comprehensive approach to understanding the treatment of criminal behaviour. Finally, this paper critiques the MST approach by viewing MST through cultural, class, and gender lenses.

Multisystemic Therapy

Multisystemic Therapy was developed in the United States in the late 1970s in response to a perceived lack of success in treating serious juvenile offenders. It was argued that existing treatment efforts, in general, had failed to adequately address the complexities of delinquency. According to Henggeler et al. (1998), typical counselling programs at that time were individually oriented, narrowly focused, and delivered in settings that were incongruous with the problems being addressed (e.g., residential treatment centres, custody facilities). Given the overwhelming empirical evidence that antisocial behaviour is a very complex phenomenon, and oftentimes determined by the interplay of the individual, the family, peers, school, and neighbourhood factors, it is not surprising that treatment was largely ineffective (Henggeler et al., 1998).

"Given the overwhelming empirical evidence that antisocial behaviour is a very complex phenomenon, and oftentimes determined by the interplay of the individual, the family, peers, school, and neighbourhood factors, it is not surprising that treatment was largely ineffective..."

The design and implementation of MST interventions is based on nine core principles (Schoenwald, Brown & Henggeler, 2000). First, the primary purpose of an MST assessment is to understand the fit between the identified problems and their broader systemic context. The therapist integrates information obtained from family members, teachers, referral sources, and other pertinent sources to determine which factors (i.e., individual, family, peer, school, neighbourhood) are contributing to the delinquency. Treatment goals are therefore particular to each youth and derived directly from an assessment.

Second, the actual therapeutic interactions between the youth, the family and the therapist emphasise the positive aspects of the youth's life and employ systemic strengths (e.g., school, family or community assets) to encourage change.

Third, the interactions are designed to promote responsible behaviour and decrease irresponsible behaviour among all family members. Parental responsibilities include providing structure and discipline, expressing love and nurturance, and meeting basic physical needs. Responsible behaviour for the youth includes increasing school performance, avoiding violence and assisting with domestic chores at home.

MUTLISYSTEMIC THERAPY... continued...

Fourth, MST requires that interactions are rooted in the present and solution-focused so that goals are clearly articulated and obtainable. This principle is important as it ensures each member of the family, as well as the therapist, are all working towards the same goal. It also provides a clear termination point in the process. In other words, when all of the targets have been met, the sessions can be halted.

Fifth, the therapist focuses on the issues within each system (i.e., family, school, peers, community) as well as the interaction between systems. For example, a youth's family environment or a particular peer group may play a role in decreasing school attachment and performance.

Sixth, the interactions are geared towards the developmental maturity and capacity of the youth, as well as the family. If the youth is quite young, the focus may be directed more at increasing parental competence (e.g., parenting skills); whereas for youth nearing the age of majority, the focus may be directed more at increasing the competencies of the youth (e.g., life skills).

"Since MST is usually reserved for serious delinquents, the assumption is that the families will typically present with serious problems that require intensive interventions."

Seventh, the interactions between the therapist and the family are designed to require weekly, and sometimes daily, effort by those involved. Since MST is usually reserved for serious delinquents, the assumption is that the families will typically present with serious problems that require intensive interventions.

Eighth, MST requires ongoing evaluation of both the treatment goals and the outcomes from multiple perspectives to ensure that the therapist is accountable for overcoming barriers to effective results. The three main factors that the therapist examines are the fit of the therapy to the family (e.g., solutions are linked appropriately to the basis of the problem), the effort of the family, and the viability of the interventions in achieving change.

Finally, the entire process is designed to ensure that treatment gains will not only materialize, but be maintained after the treatment has been concluded. To facilitate this, MST attempts to empower families to solve their own problems and link them with a community support network (e.g., friends, neighbours, and extended family).

Henggeler, et al. (1998) provide a good description of the manner in which services are provided in MST interventions:

- services are targeted to families with children at risk for out-of-home placement to foster care, group homes, residential treatment, or correctional facilities.;
- services are time-limited (one to five months);
- services are flexibly scheduled to meet the family's needs and are delivered in the home;

MULTISYSTEMIC THERAPY... continued...

- services are tailored to the needs of family members;
- services are provided in the context of a family's values, beliefs and culture;
- services are available 24 hours a day, seven days a week; and,
- workers have small case loads (e.g., 2 to 6 families) and visit families several times per week for a total of approximately 8 hours of programming.

In summary, MST is considered to be a pragmatic and goal-oriented intervention that targets specific factors in each youth's family and the external networks that appear to be contributing to his or her antisocial behaviour. Beyond reducing delinquency, Henggeler (1999) claims that MST interventions are typically designed to:

"MST is considered to be a pragmatic and goal-oriented intervention that targets specific factors in each youth's family and the external networks that appear to be contributing to...antisocial behaviour."

- improve caregiver discipline practices;
- enhance family affective relations;
- decrease youth association with deviant peers;
- increase youth association with pro-social peers;
- improve youth school or vocational performance;
- engage youth in pro-social recreational outlets; and,
- develop an indigenous support network for the family consisting of extended family, neighbours, and friends.

Effectiveness of MST

One of the more positive aspects of MST has been the systematic and rigorous evaluations conducted on the approach. In fact, research into the effectiveness of MST research has consistently used randomised treatment and control designs with longer than average follow-up lengths. The MST Services website lists over 100 academic articles on the subject of Multisystemic Therapy, the vast majority of which are peer-reviewed publications in reputable journals. Henggeler, et al. (1998) reported that, for serious adolescent offenders, MST has demonstrated reductions of 25-70% in long-term rates of re-arrest, reductions of 47-64% in out-of-home placements (e.g., custody or child protection), extensive improvements in family functioning, and decreased mental health problems.

"...for serious adolescent offenders, MST has demonstrated reductions ...in long-term rates of re-arrest, reductions ... in out-of-home placements,...extensive improvements in family functioning, and decreased mental health problems."

Rather than focus on individual studies, however, recent researchers have sought to aggregate the findings of a large number of studies on treatment effectiveness using meta-analytic techniques (e.g., Andrews et al., 1990; Latimer, 2001; Latimer, Dowden & Morton, 2004; Lipsey, 1995). Recently, Dowden and Andrews (under review) conducted a meta-analysis on the effectiveness of several forms of family therapy on reducing recidivism

MULTISYSTEMIC THERAPY... continued...

among youth. They found that MST was associated with significant program improvements (e.g., reductions in recidivism) when compared to other types of interventions. The importance of this research is that it contained all available evaluations on MST, including unpublished material. As such, this finding represents the results of an entire body of research.

"...MST was recently classified as a 'Blueprint for Violence Program' by the Center for the Study and Prevention of Violence."

The finding was not surprising as MST was recently classified as a 'Blueprint for Violence Program' by the Center for the Study and Prevention of Violence. Such programs are selected by an expert panel and are deemed to have demonstrated considerable utility in decreasing adolescent violent crime, aggression, delinquency, and substance abuse. It should also be noted that, according to Dowden and Andrews (under review), MST closely adheres to the principles of risk, need, and responsivity (Andrews & Bonta, 2002; Andrews, Bonta, & Hoge, 1990), which have garnered considerable empirical evidence regarding their rehabilitative utility for correctional populations (Andrews & Bonta, 2002; Andrews, et al., 1990; Dowden & Andrews, 1999; Dowden & Andrews, 2000).

MST has also been evaluated based upon ratings of therapists' adherence to the principles of the model. Schoenwald, et al. (2000) has recently demonstrated that high adherence to the MST principles predicts favourable long-term outcomes for violent and chronic juvenile offenders, whereas poor adherence predicts high rates of re-arrest and incarceration. In light of these findings, considerable training, supervisory, and consultative resources are devoted to maximizing therapist adherence to MST principles.

"...findings indicate that there is a considerable cost savings with MST, compared to standard responses to serious delinquency, such as incarceration or residential treatment."

The cost/benefits of MST have also been examined through empirical research. The findings indicate that there is a considerable cost savings with MST, compared to standard responses to serious delinquency, such as incarceration or residential treatment. Henggeler, et al. (1998) claim that at a cost of $4,500 per youth, MST was the most cost-effective program aimed at serious juvenile offenders.

All of this research, however, has been conducted in the United States. Are the benefits of MST transferable to Canadian youth? Since there are clear differences in what would constitute a comparison group (i.e., Canadian and American standard responses to serious delinquency could be significantly different), it is possible that MST would not necessarily thrive in the Canadian context. The only outcome study available on MST in Canada was conducted by the Centre for Children and Family Services in the Justice System (2002) out of the London Family Court Clinic. The study was conducted in four distinct sites in Ontario using a randomised treatment and control design.

The results were not consistent with previous research. The study reported that there were no significant differences between the MST group and the control group when compared across several

MULTISYSTEMIC THERAPY...
continued...

outcomes including recidivism. In fact, the MST group were equally as likely to commit a new offence; moreover, the MST group committed the new offence earlier than the control group. In addition, members of the MST group were more likely to be sentenced to custody and more likely to serve longer sentences compared to members of the control group.

While the *Young Offenders Act*, which was the national guiding legislation in the area of youth justice, was in place in Canada during the evaluation, the provinces and territories had jurisdiction over the *administration of justice*. This means that youth correctional programming in Ontario could have been radically different than youth correctional programming in another province or territory. A study comparing MST to a traditional response in another province or territory might yield different results. Additional research is clearly needed in Canada.

"Additional research is clearly needed in Canada."

Critique of MST

It is difficult to critique Multisystemic Therapy as a response to serious delinquency. The major concerns one would have with most interventions have been addressed. MST is based on a sound theoretical model with published manuals, and MST ensures therapists receive appropriate training and supervision. Adherence to the model is measured. MST is based upon decades of empirical research into the antecedents of delinquency and evaluations of programs attempting to treat delinquency. MST targets the appropriate population (i.e., serious juvenile offenders) in an appropriate manner. It has been shown to be both effectual and cost-effective in numerous American studies.

"It is difficult to critique Multisystemic Therapy as a response to serious delinquency."

Is MST suitable for different types of offenders? The cultural appropriateness of MST has been supported in several ways (MST Services, 2000). First, findings from randomised trials of MST with serious juvenile offenders showed that the favourable effects of MST were not moderated by youth ethnicity (African-American versus Caucasian youth). Second, since the therapists view family members as full collaborators in the treatment planning and delivery process and the treatment goals are driven primarily by parents, the likelihood that treatment goals are driven by biases of the dominant culture should be minimised. And, according to MST Services (2000), MST treatment teams usually reflect the ethnic make-up of the population that is being served.

What about issues of gender? According to the Youth Court Survey at the Canadian Centre for Justice Statistics, the vast majority of youth in the criminal justice system in Canada are male. Not surprisingly, the vast majority of research into MST effectiveness has also been conducted with male youth.

MULTISYSTEMIC THERAPY... continued...

Dowden and Andrews (under review), however, did find in their meta-analytic review that the positive effects of MST also held true for female youth. Otherwise, research into the effectiveness of MST with female youth is sparse.

In terms of a class analysis, MST is one of the only approaches that both acknowledges the criminogenic aspects of communities and attempts to address negative factors. MST acknowledges that criminogenic communities (e.g., high availability of drugs, poverty, unemployment, racism, exposure to violence, neighbourhood adults involved in crime) will continue to exert influence on an individual regardless of the interventions within a family and broader supports. As such, families are empowered to find their own solutions to future crises. Nonetheless, due to the subtle influences of poverty and unemployment on a family, one could argue that MST may 'set-up' a family for failure. Counselling and treatment are not effective in removing some of the structural barriers (e.g., sexism, racism) that can prevent families from achieving success. The focus on parental responsibility can also be viewed, in some circumstances, as blaming parents. For example, parents may be judged as ineffectual in light of continued delinquent behaviour on the part of the youth regardless of their level of competence.

"In terms of a class analysis, MST is one of the only approaches that both acknowledges the criminogenic aspects of communities and attempts to address negative factors."

Finally, in a meta-analysis on the effectiveness of family-based interventions with youth, Latimer (2001) found that methodological rigour was significantly associated with program effectiveness. In other words, as the methodological rigour of a study increased, the reported effectiveness decreased. One of variables that was used to measure rigour was the level of independence of the researcher. The assumption was that independent researchers (i.e., evaluators with no ties to the program) would be more likely to be objective compared to involved researchers (i.e., evaluators who have developed the program, carried out the treatment, or supervised the staff). Latimer (2001) confirmed that involved evaluators were significantly more likely to produce positive results compared to independent evaluators. In the case of MST, almost all of the empirical research has been conducted by one organization and specifically Scott Henggeler. As such, the results of the numerous studies into MST effectiveness, while valid, are nonetheless open to questions of objectivity.

"MST is an exemplary approach to dealing with youth engaged in criminal behaviour."

Conclusion

MST is an exemplary approach to dealing with youth engaged in criminal behaviour. It is grounded in theory and based on years of empirical research that has sought to better understand delinquency. It is focused on a specific population of offenders (youth involved in serious delinquency) and involves the major components of their lives, including the family, peer groups, the school and the community. The vast majority of research in the

MULTISYSTEMIC THERAPY... continued..

United States has demonstrated the effectiveness of MST in not only reducing recidivism, but also in increasing family functioning, reducing out-of-home placements, and improving school attachment.

MST has only recently been implemented and evaluated in Canada, however, and the results have not been nearly as impressive. The research did not find a significant difference between MST and the traditional responses to youth crime (e.g., custody). Additional research in Canada is therefore needed to better understand the portability of Multisystemic Therapy as an effective response to serious youth delinquency.

"MST has only recently been implemented and evaluated in Canada, however, and the results have not been nearly as impressive."

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Sentencing Outcomes: A Comparison of Family Violence and Non-family Violence Cases [1]

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INTRODUCTION

Despite recent decreases in police-reported rates of spousal violence and homicide, violence against intimate partners continues to affect a considerable number of Canadians. According to the 1999 General Social Survey (GSS) on victimization, about 8% of women and 7% of men who were either in a current relationship or who had been in a marital relationship in the past five years had experienced either physical or sexual violence by a current or previous spouse/partner. [2] While family violence against children and seniors is less prevalent than spousal violence, police-reported data suggests that rates of family violence against children and seniors have grown recently (Brzozowski, 2004). In short, family violence remains an important issue for the criminal justice system in Canada.

"Despite recent decreases...violence against intimate partners continues to affect a considerable number of Canadians."

The way in which the criminal justice system has responded to family violence has evolved over the last few decades. Once considered a private matter, charging and prosecution policies in the 1980s moved to treat family violence 'like any other crime' (Brown, 2000). While these policies intended to achieve equal treatment, they often failed to recognize the distinct differences between violence involving family members and those involving friends, acquaintances, or strangers. Unlike other crimes, violence within the family often means that the offender and victim share a home and are emotionally and financially attached to one another. In addition, the cyclical and recurrent nature of family violence suggests that spouses, children, and senior family members are often fearful of the offender's reprisal (Felder, 1996). Together or separately, these factors make the prosecution and sentencing of family violence cases very different and often more challenging than other violent crimes.

"Unlike other crimes, violence within the family often means that the offender and victim share a home and are emotionally and financially attached to one another."

Recognizing the need for a more appropriate approach to dealing with family violence, a number of criminal prosecution policies and programs have been put into place. For instance, specialized

1 Adapted from Gannon, M. and J. Brzozowski, 2004. "Sentencing in Cases of Family Violence", in J. Brzozowski (ed.). Family Violence in Canada: A Statistical Profile 2004. Catalogue no. 85-224. Ottawa: Statistics Canada.

2 The difference between women and men who reported experiencing violence by an intimate partner in the 5 year period is statistically significant. While the overall rates appear to be relatively similar between women and men the survey found that women were much more likely to experience more serious and repeated violence than were men. Specifically, women were more likely to experience more serious types of violence, three times more likely to be injured, five times more likely to receive medical attention and five times more likely to fear for their life because of the violence (Pottie Bunge, 2000).

SENTENCING OUTCOMES...
continued...

family violence courts have been created in a number of jurisdictions to focus on the unique nature of family violence. [3] The principal aim of these courts is to expedite domestic violence cases for the safety of the victim, introduce early intervention for first time offenders, allow for effective investigation, prosecution and sentencing of family violence cases and ensure offender accountability (Trainor, 2002). Also, the Criminal Code was amended in 1996 to oblige the courts to consider the abuse of a spouse or a child as an aggravating factor in sentencing.

It is under the current system that a demonstration study on the differences in the court's response to family violence and non-family violence cases was undertaken. The primary purpose was to identify the role of the victim-offender relationship on sentencing outcomes. That is, are there differences in the sentences handed down to offenders convicted of family violence compared to other violent offenders? This study explored this question for three forms of family violence: spousal violence, child abuse, and senior abuse. The study also aimed to examine the impact of other offender and victim characteristics on sentencing decisions.

"...are there differences in the sentences handed down to offenders convicted of family violence compared to other violent offenders?"

Method

The Adult Criminal Court Survey (ACCS) contains information on criminal cases, including charge and offender information, but does not capture victim characteristics, nor the relationship between the victim and the offender. Therefore, court data alone do not identify family violence cases. Consequently, it was necessary to link court records to the more detailed police records. In particular, the Canadian Centre for Justice Statistics (CCJS) linked, for the first time, the incident-based Uniform Crime Reporting Survey (UCR2) and the ACCS. By doing so, it was possible to examine the court's response to family violence cases as compared to cases of non-family violence, while taking into account factors such as the relationship between the victim and offender, the gravity of the offence and the age and sex of both the victim and the accused.

This demonstration study used data for the years 1997 to 2002 and focused on 18 selected urban areas where both UCR2 and ACCS data are collected. As a result, the study cannot be considered nationally representative. For this study, data from the urban areas are rolled-up to produce an aggregate presentation of results.

To analyze sentencing outcomes, such as the probability of receiving a prison sentence, it was necessary to limit this descriptive

3 The first specialized court was established in Winnipeg, Manitoba in 1990. Since then, specialized domestic violence courts have been established in Ontario, Saskatchewan, Alberta, and the Yukon.

SENTENCING OUTCOMES...
continued...

analysis to single conviction cases for two reasons. First, the number of convictions in the case can influence the severity of the sentence imposed, and therefore, any variation in the number of convictions between family and non-family members may distort the effect of relationship on sentencing. Second, it is only possible to directly relate a sentence to a specific offence in single-conviction cases.

RESULTS

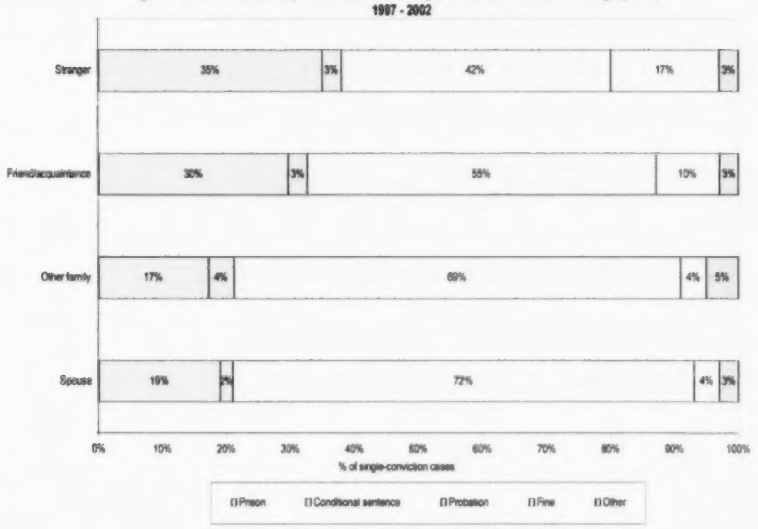
Spousal violence

Offenders convicted of violence against their spouse less likely to receive prison

According to the linked police-court file, offenders convicted of spousal violence [4] were less likely than other convicted violent offenders to receive prison (19% versus 29%) (see figure 1). When examining specific offences, the difference in the probability of prison between spousal violence offenders and other violent offenders still exists but is smaller. For common assault, the most frequently occurring offence, 17% of convicted spouses received prison, compared to 21% of other violent offenders. The difference was similar for aggravated assault: 32% for family violence offenders and 36% for other violent offenders.

"Offenders convicted of violence against their spouse less likely to receive prison"

Figure 1. Those convicted of spousal violence less likely than other violent offenders to get prison, 1997 - 2002



[1] *To examine the victim-offender relationship, all cases where there were multiple victims were excluded.*
[2] *Refers to the most serious sentence imposed.*
[3] *Other sentences include restitution, compensation, conditional or absolute discharge or a suspended sentence.*
Source: *Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.*

4 Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.

SENTENCING OUTCOMES...
continued...

Criminal harassment was the only violent offence where spousal violent offenders were more likely to be sentenced to a term of imprisonment. In particular, results from the linked database reveal that the courts imposed prison on 32% of spouses convicted of criminal harassment, while the same was true for 26% of non-spouses. This difference may be partly explained by the fact that judges often recognize the potential seriousness of criminal harassment among spouses, since it can culminate into other more serious violent offences. Indeed, the first criminal harassment legislation was introduced in 1993 in response to high profile cases of women being murdered by their estranged partners following periods of harassment (Gannon, 1999).

Variations in incarceration inherently mean that there will be differences in the distribution of other dispositions, such as probation, conditional sentences, and fines. Consistent with research findings from specialized domestic violence courts (Ursel, 2003), probation was by far the most common sentence handed down to spousal violence offenders. In particular, three-quarters (72%) of convicted spouses received probation as the most serious sentence. This compares to 69% of other family members, 55% of convicted friends or acquaintances, and 42% of strangers.

"...probation was by far the most common sentence handed down to spousal violence offenders."

Both conditional sentences and fines were rarely used for violent crimes. However, certain offences and victim-offender relationships increased their use. While conditional sentences were imposed in only 2% of spousal violence cases and 4% of non-spousal cases, convictions for sexual assault, particularly when directed against spouses, were much more likely to result in conditional sentences. For instance, conditional sentences were handed down in one-quarter (24%) of sexual offences committed by spouses and 15% committed by non-spouses. For fines, its imposition was more prevalent in cases of common assault and those involving non-family members. This is likely due to the fact that a fine may punish an already victimized and possibly impoverished family (Ruby, 1999).

"Incarceration rate higher for spouses who are male, young, and estranged."

Incarceration rate higher for spouses who are male, young, and estranged

Particular characteristics of spousal violence offenders elevate the likelihood of imprisonment. As with non-spousal violence cases, men convicted of violence against their spouses were more likely than their female counterparts to be sentenced to prison (20% versus 7%). This was the case for a range of violent offences. The use of harsher sentences for male spouses may not be surprising, given that data from the GSS reveal that men are more likely than women to inflict serious and repeated forms of spousal violence.

The probability of imprisonment further increased for men who were estranged from their spouses. Over one-quarter (28%) of estranged male spouses received prison, compared to 19% of

SENTENCING OUTCOMES...
continued...

current male spouses. Marital status did not appear to impact the sentence for women convicted of spousal violence. These results may be partly explained by the court's assessment of future risk. More specifically, previous research has shown that female ex-partners were more at risk of being killed, than were current female spouses (Hotton, 2001). According to the Homicide Survey, this is particularly true in the first two months of separation (Mihorean, 2004). Thus, courts may determine that a term of imprisonment for estranged male spouses is more appropriate than for current male spouses. The heightened risk of homicide following separation was not found for men and may partly explain why there was no difference in incarceration rates between female ex-spouses and female current spouses.

The offender's age also seems to impact the probability of imprisonment. Results indicate that the chances of incarceration were highest for spousal violence offenders aged 18 to 24, and then consistently decline as the offender's age increases. This increased likelihood of imprisonment for young persons may be related to judges knowledge that the risk of spousal homicide is greatest among younger couples (Gannon, 2004).

Child abuse

Family members convicted of child sexual abuse more likely to get prison than those convicted of physical violence

"Family members convicted of child sexual abuse more likely to get prison than those convicted of physical violence."

Overall, family members convicted of assaulting their children are less likely to receive a term of imprisonment than are those who commit violent acts against non-family members. According to the linked police-court file, only 15% of convicted family members received a term of imprisonment, compared to 28% of friends or acquaintances and 23% of strangers. These results support previous research that has indicated that offenders who are related to the victim often receive less harsh sentences than those who are non-family (Daly, 1989).

However, when offence type is taken into account, the difference in the probability of a term of imprisonment between family and non-family members does not hold true in the case of sexual violence against children. Almost one half of family members who were convicted of sexually assaulting a child received prison, compared to just under 4-in-10 convicted non-family members (39%). The reason for this sentencing pattern may be predicated on the nature of family sexual violence against children. Rarely is child sexual abuse within the family an isolated incident, but rather something that continues over a period of time.

Similar to cases of spousal violence, the use of conditional sentences in cases of family-related child abuse was relatively rare, although its use was a bit more common in cases of child abuse than spousal violence (5% versus 2%). Also consistent with

SENTENCING OUTCOMES... continued...

cases of spousal violence, the use of conditional sentences was much more common in cases of family-related sexual violence against children than cases of physical violence (24% versus 3%). Moreover, among those convicted of child sexual abuse, family members (24%) were more likely to receive a conditional sentence than were friends/acquaintance (18%) or strangers (8%).

Given the relative infrequency of the use of imprisonment and conditional sentence in cases of convicted child abuse, it is not surprising that probation was imposed in almost two-thirds (62%) of cases of child abuse (67% of physical violence and 38% of child sexual abuse convictions). While family members were more likely than non-family members to receive probation in the case of physical abuse (78% versus 58%), the reverse was true in the case of child sexual abuse, whereby family members received a term of probation in 29% of convicted cases, compared to 43% of non-family related cases.

In addition to sentencing variation based on type of offence, the family relationship to the child also impacts sentencing outcomes. In general, parents convicted of child abuse were half as likely to be sentenced to prison as other family members (11% versus 25%). However, this does not hold true in the case of child sexual abuse where parents were more likely than other relatives to receive a term of imprisonment (52% versus 44%).

"Those convicted of family-related child abuse against girls and the very young more likely to get prison."

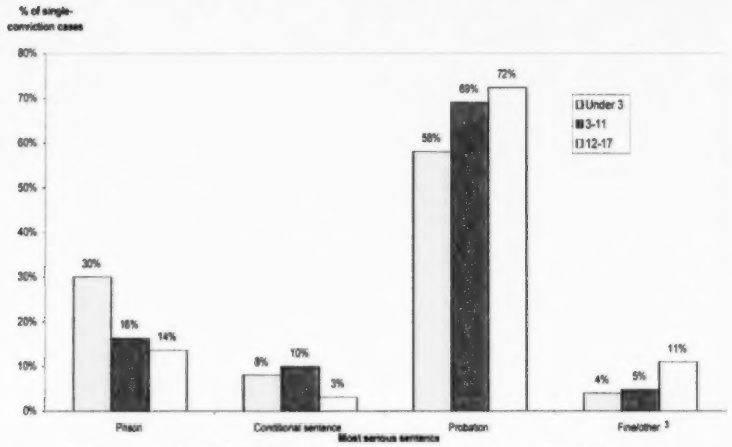
Those convicted of family-related child abuse against girls and the very young more likely to get prison

Both the sex and age of the victim have an effect on sentencing outcomes in cases of family-related child abuse. Cases involving female victims were more likely to result in a period of imprisonment as compared to male victims (18% versus 11%). The main reason for this finding is that a higher proportion of girls are sexually assaulted by family members, a crime that tends to result in harsher sentences. Even among cases of sexual assault against children, cases involving girl victims are more likely to get prison than cases involving boy victims (48% versus 37%).

Analysis also reveals that age has an impact on the severity of the sentence imposed by the courts. For example, family members who abused children considered to be the most vulnerable, those under the age of 3 years, were about twice as likely to be handed a term of imprisonment (30%) compared to assaults against children aged 3 to 11 (16%) and children aged 12 to 17 (14%) (see figure 2). This difference is especially pronounced in cases of family-related physical violence against children where police data show that children assaulted under the age of 3 are much more likely to sustain a major injury compared older children (Brzozowski, 2004). In addition, it may be recognized that there is a risk that the violence may escalate if not dealt with harshly by the courts, as homicide data indicate that the risk of being killed is highest for children under one year (Gannon, 2004).

SENTENCING OUTCOMES...
continued...

Figure 2. Family members committing acts of violence against children under the age of 3 most likely to be incarcerated, 1997-2002 [1,2]



[1] *To examine the victim-offender relationship, all cases where there were multiple victims were excluded.*

[2] *Refers to the most serious sentence imposed.*

[3] *Other sentences include restitution, compensation, conditional or absolute discharge or a suspended sentence.*

Note: *Percentages may not add up to 100% due to rounding.*

Source: *Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.*

"Non-family more likely than family members to be convicted of serious offences against seniors."

Senior Abuse

Non-family more likely than family members to be convicted of serious offences against seniors

Similar to both spousal violence and family-related child abuse, family members convicted of violence against seniors were generally less likely than non-family to be handed a prison sentence (22% versus 36%). This can be largely explained by the fact that a greater proportion of non-family than family accused were convicted of serious types of offences, including major assault (27% versus 20%) and robbery (15% versus 1%).

When controlling for offence type, differences between family and non-family offenders remained. For example, in the case of major assault, family members were still less likely than non-family to get prison (22% versus 34%). A possible explanation for this difference in sentence gravity may be that pleas of guilt are more common in family-related convictions than non-family related convictions (95% versus 86%).

"Among family members convicted of senior abuse, children are the most likely to get prison."

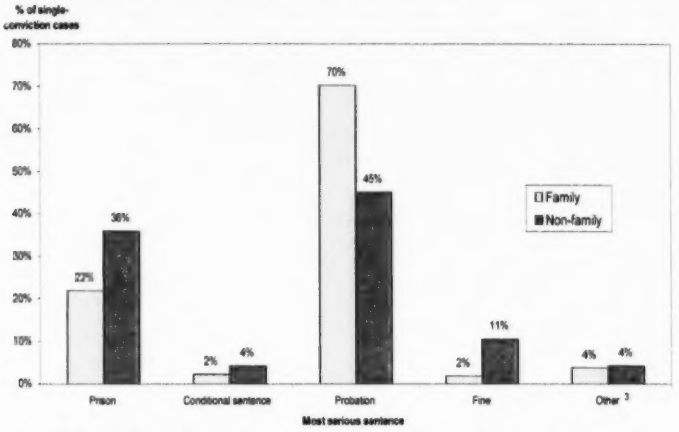
Among family members convicted of senior abuse, children are the most likely to get prison

While probation was the most frequent sentence imposed on offenders convicted of violent acts towards senior family members (see figure 3), sentences varied depending on the type of family relationship. Concerning the most harsh sentence (i.e., imprisonment), adult children were most likely to receive this sentence

SENTENCING OUTCOMES...
continued...

(38%) compared to other family members (30%) and spouses (7%). Even after controlling for offence type, the differences in disposition remained, as adult children consistently received the harshest sentences.

Figure 3. Probation most likely sentence given to offenders conviced of abusing senior family members, 1997-2002



[1] To examine the victim-offender relationship, all cases where there were multiple victims were excluded.
[2] Refers to the most serious sentence imposed.
[3] Other sentences include restitution, compensation, conditional or absolute discharge or a suspended sentence.
Note: Percentages may not add up to 100% due to rounding.
Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

"While it shows that, in general, the courts were less inclined to impose prison on offenders convicted of family violence, it is essential to bear in mind that sentencing is a complex process involving the consideration of a number of aggravating and mitigating factors."

The likelihood of being handed a term of imprisonment was especially great if the victim was the mother of the accused. This is despite the finding that family members convicted of committing an act of violence against senior females were less likely to be given prison than those convicted of committing an offence against older males (21% versus 25%). Adult children convicted of violence against their mothers were more likely to be sentenced to prison than those who were violent towards their fathers (42% versus 32%).

Discussion

The findings from this demonstration study represent the first direct comparison of sentencing outcomes between family violence convictions and other violent convictions. While it shows that, in general, the courts were less inclined to impose prison on offenders convicted of family violence, it is essential to bear in mind that sentencing is a complex process involving the consideration of a number of aggravating and mitigating factors. For instance, when faced with a family violence case, judges often must take into account a number of factors specific to family violence, such as the victim's desire for reconciliation or financial dependence on the offender. This type of consideration, along with other factors, could not be controlled for in this study.

SENTENCING OUTCOMES...
continued...

In addition, although the tendency for harsher sentences for non-relatives was true for most violent crimes, there were two exceptions: criminal harassment of spouses and child sexual abuse. In these two cases, the courts were more likely to hand down a term of imprisonment to family members than non-relatives. The possible risk of violent escalation for criminal harassment and the long-term nature of child sexual abuse may provide some explanation for the court's increased use of imprisonment for family members convicted of these crimes.

"...although the tendency for harsher sentences for non-relatives was true for most violent crimes, there were two exceptions: criminal harassment of spouses and child sexual abuse."

The value of these findings, which are based on linking police and court records, encourages continued record linkage activities. It is hoped that such activities will pave the way for tracing offending behaviour throughout the criminal justice system, including the police, courts, and corrections. In other words, it will allow for a better assessment of a family violence offender's criminal career, by providing an understanding of repeat contacts with the police, progression of offending, offending while on bail, and convictions. This information would assist in not only informing the general Canadian population about the interaction of family violence offenders with the criminal justice system, but it will also serve to inform policy makers and those working in the criminal justice system, so that they can better understand the impact and effectiveness of the system's response and interventions.

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SENTENCING OUTCOMES...
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A conference on Multi-level Regulatory Governance in Canada was held in October 27 and 28, 2004 in Ottawa. Multi-level governance refers to the mix of international, national-federal, provincial-territorial, and city or local government increasingly touching on regulatory issues. The Conference contributed to the practical debate on institutions, democratic accountability, transparency, legitimacy, and the engagement of Canadians in key regulatory choices.

Valerie Howe (Valerie.howe@justice.gc.ca) attended the conference from the Research and Statistics Division and can provide a conference report upon request.

Shared Custody Arrangements: Pilot Interviews With Parents[1]

By Rick Gill, and
Dr. Cherami Wichmann,
A/Senior Research Officer,
Research and Statistics Division,
Department of Justice Canada.

The focus of this pilot project was on shared custody arrangements as defined by the 1997 Child Support Guidelines- meaning that the children reside in two residences and that they spend a minimum of forty percent of time in the second residence (Department of Justice Canada, 1997). It is important, in particular, to distinguish shared custody in this sense from joint legal custody, in which parents share responsibility for key decision areas in the children's lives, but may have any of several possible living arrangements.

The sample for this study included 50 parents from Alberta who were divorced and had shared custody arrangements. These parents were contacted by phone and responded to an in-depth interview regarding their custody arrangements, including areas such as: demographics; arrangements at the time of separation and divorce; current arrangements; expenses associated with shared custody; relationship between the parents; and, satisfaction with the shared custody arrangement. This sample was small and not generalizable outside of the current group of parents. However, there were sufficient participants to construct hypotheses to explore in further research.

"Findings from this study provided information on how shared custody arrangements were put into practice..."

Findings from this study provided information on how shared custody arrangements were put into practice in some cases. For the majority of cases, living arrangements in the families have been stable throughout the period after separation and beyond the time of the divorce. Parents in this sample reported an ongoing ability to work co-operatively with their former spouses to share the parenting of their children, and overall satisfaction with the living and parenting arrangements they have in place. For the most part, the parents were in frequent contact with each other and on friendly terms, discussing parenting issues as they arose and supporting each others' parenting decisions. In about 75 percent of the cases, the formal shared custody arrangement was translating, in practice, into an actual sharing of parenting on a day-to-day basis. A substantial majority of the parents considered the arrangement to be working well for the children precisely because of the fact that they were able to work together co-operatively.

In this sample, shared custody was more likely to be in place after the divorce than in the immediate post-separation period. This is contrary to some research that suggests that shared custody is

1 Wichmann, Cherami and Gill, Rick (2004) Shared Custody Arrangements: Pilot Interviews With Parents, 2004-FCY-5, Family, Children and Youth Section, Department of Justice Canada.
http://canada.justice.gc.ca/en/ps/pad/reports/2004-FCY-5/index.html

SHARED CUSTODY...
continued...

"Factors such as children growing older and becoming more independent, or a parent moving further away from the other parent for employment, were often the impetus for change in the living arrangements after divorce in this sample."

sometimes a casualty of the realities that are experienced as parents adjust to their new, separate lives. Factors such as children growing older and becoming more independent, or a parent moving further away from the other parent for employment, were often the impetus for change in the living arrangements after divorce in this sample. Only in a very small number of cases was an apparent inability to parent co-operatively the cause of a change in arrangement. Another finding that was generalized in many of the areas we examined was that parenting arrangements and practices in our shared custody cases appear to be worked out informally and to evolve over time, as opposed to being determined through the formality of the divorce arrangement. The divorce appears to establish the shared custody as an overall parenting model, but parents develop many of the specific arrangements themselves, with little or no involvement from lawyers. Decision-making about the children is often informal, and changes in decision-making patterns reflect changes in living arrangements or other circumstances, rather than deliberate changes in the way decisions are made. The division of the many parenting responsibilities that need to be shared appears also to be somewhat informal and subject to varying interpretations by former spouses. This is largely because those responsibilities are too interwoven and changeable over time to allow for an overly structured arrangement.

The parents in this sample tended to share expenses in most areas, rather than divide the responsibilities by expense item. Few areas of disagreement about expenses were reported. The fact that almost all of the parents we interviewed worked full-time, and that the parents in our sample reported themselves as being in a relatively high socio-economic group, may be a contributing factor. Expenses reported by both fathers and mothers for housing and utilities, in particular, were substantial, and were duplicated in both households in almost equal measure.

Exploring New Approaches to Social Policy was the theme for the annual conference of the Policy Research Initiative held December 13-15 at the Ottawa Conference Centre. Topics addressed included social policy to address: population aging and poverty and exclusion and to take account of social capital.

On December 15, Deputy Minister Morris Rosenberg chaired a session entitled: Legal Norms as Drivers of Social Policy.

The session concluded with speeches by Nathalie Des Rosiers and Pearl Eliadis as well as commentary provided by the Department of Justice's Donald Lemaire.

CURRENT AND UPCOMING

Research from the Research and Statistics Division

Inter-jurisdictional Review

Contact: Catherine Thomson, Senior Research Officer.

Inter-Jurisdictional Support Orders (ISO) legislation is being passed in all jurisdictions to facilitate obtaining and enforcing support orders when parties live in different jurisdictions. All provinces and territories have either passed or introduced this legislation, and there was widespread acceptance that this had improved the processing times. Three provinces collected pre-ISO data in order to compare with post-ISO processing times. This report analysed the pooled dataset to determine what improvements there were. This report will be available upon request.

Small, Jane. (2004) The Impact of Interjurisdictional Support Orders Legislation on Case Processing Times. Ottawa, Ontario: Research and Statistics Division, Department of Justice Canada.

International Crime Victimization Survey, 2004 (ICVS)

Contact: Dr. Kwing Hung, Statistical and Methodological Advisor.

The International Crime Victimization Survey (ICVS) is a survey on criminal victimization conducted in many different countries across the world. Four previous cycles of the survey were conducted in 1989, 1992, 1996 and 2000. Over 70 countries have participated in at least one of the cycles. Canada has participated in all four cycles, sponsored by the Department of Justice. At least 55 countries will participate in the fifth cycle in 2004. The present cycle is being coordinated by the United Nations Office on Drugs and Crime (UNODC) in Vienna, Austria. In Canada, the survey will be conducted from late September to November 2004.

INTERNATIONAL CRIME...
continued...

Victimization surveys have been found to be of great value in criminal justice research. In contrast to official crime statistics reported by the police, victimization surveys are able to provide information about so-called "unreported" crimes as well, and to identify the reasons given by respondents for failing to report such incidents to the police. Past data reveal that about half of all crimes were never reported to the police. The survey also provides information about fear of crime, the perceived seriousness of crime, possession of firearms, attitudes toward the police, and opinions about crime prevention. Furthermore, the use of the same survey questionnaire and survey methodology in all participating countries allows for international comparisons. Results from the survey will be available in mid-2005.

Youth Pre-Trial Detention Practices

Contact: Jeff Latimer, Senior Research Officer

This study analysed data on pre-trial detention and bail proceedings in five large urban areas from the last years of the Young Offenders Act. A random sample of 1,843 youth court cases with a first appearance date between April 1, 1999 and March 31, 2000 was obtained from Halifax-Dartmouth, Toronto, Scarborough, Winnipeg, Edmonton, Vancouver, and Surrey.

The objectives of this research were to:

- describe the pre-trial detention practices of the police and youth courts;
- identify factors that affect the pre-trial detention practices of the police and youth courts; and•
- examine the relationship between pre-trial detention practices and both guilty pleas and youth court sentencing decisions.

Moyer, S. (2004). Pre-trial Detention Under the Young Offenders Act: A Study of Urban Courts. Ottawa, ON: Research and Statistics Division, Department of Justice Canada.

Contact: Jeff Latimer,
Senior Research Officer.

Crown Decision-Making in the Youth Criminal Justice System

Crown decision-making was examined in five youth courts in British Columbia and Saskatchewan in the summer of 2003, three to four months after the proclamation of the Youth Criminal Justice Act. The main decisions described in the research are:

- to approve charges in British Columbia (also known as Crown screening);
- to divert a young person from the court process to Extrajudicial Sanctions (EJS);
- to release a police-detained young person from pre-trial detention "on consent"; and,
- the contents of the submission to sentence.

The research combined observation, interviews and review of case files. It was prospective in nature in that the researcher asked Crown attorneys about their decisions at the time that they were being made, or very soon thereafter. The main emphasis was on the collection of qualitative information, but statistical analysis of file data was also undertaken.

Moyer, S., & Basic, M. (2004). Pre-trial Detention Under the Young Offenders Act: A Study of Urban Courts. Ottawa, ON: Research and Statistics Division, Department of Justice Canada. ▲

Costs of Crime in Canada - an Update

Contact: Dr. Kuan Li,
Research Analyst.

Crime in Canada cost an estimated $70 billion in 2003, a majority of which, $47 billion or 67%, was borne by the victims. Victim costs include the value of property stolen and/or damaged, pain and suffering, their lost output, and health services. The costs of crime remaining were loosely divided between Criminal Justice System (CJS) expenditures, at $13 billion or 19% of the total, and $10 billion (14%) on defensive measures such as security devices and protective services. CJS costs include costs of police, courts, prosecutions and corrections. When examined by type of crime category, property crimes cost Canadians the most, at $40 billion, while violent crimes cost $18 billion and other crimes $12 billion.

COST OF CRIME...
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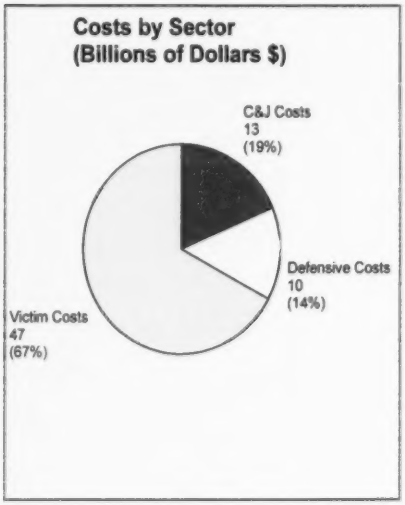
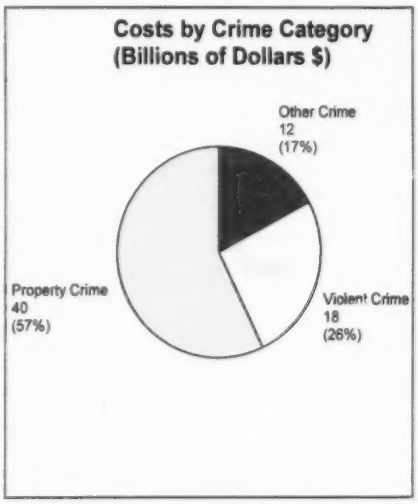
While it is rather straightforward to calculate the justice system expenditures and some direct costs such as the value of goods stolen, it is impossible to put an accurate price on the loss of social cohesion in a high-crime community, or the impact on the life of family members of homicide victims, or the suffering of children who grow up with their parents incarcerated. Admittedly, no study has ever been able to fully account for the cost of crime.

Nonetheless, it is important to attempt to recognize the magnitude of the cost of crime. The cost of crime highlights the impact of crime on the society and the potential gains from crime prevention and reduction strategies. It is also essential for evidence-based criminal justice policy developments as it provides the needed context to make effective cost-benefit analysis possible. Despite good efforts, it is impossible to include all cost estimates as many are unknown or simply too difficult to attach a dollar figure to them. For that reason, the information provided here is solely for some sense of scope. While the true total cost of crime in Canada may be incalculable, we do know that this updated estimate is a conservative one, as the list of variables included are incomplete ▲.





Litigation 'Drivers' and Factors: What is distinctive about litigation involving the Crown?

Contact: Valerie Howe, A/Principal Researcher

Recently initiated research will conduct a survey of literature and data on litigation trends in order to provide an up-to-date overview of what is known. The starting point is a reflection upon our assumptions about litigation and litigiousness and questioning of the evidence. For example, when we say a society is litigious, does that imply an over-reliance on litigation as opposed to using other available means? Is there really evidence that compares the use of different alternatives that are equally accessible and similarly effective? Do we really have the evidence to show that the use of civil litigation is higher in comparison to past decades? Much of the scholarship about the 'turn to law' relies on questionable proxy measures such as the number of lawyers or of pages of legislation - but what do these indicators actually establish? Research that compares the use of the courts in different countries tends to conclude that the choice is based on the costs and benefits of the available institutional options rather than being a matter of attitudes or preference. Perhaps, then, the use of litigation is commensurate with the opportunities the courts provide.

The ongoing study will also investigate whether there is evidence of distinctive drivers and trends for litigation involving the government and whether any of the established trends are occurring internationally. ▲

Profiling Canada's Families III, Vanier Institute of the Family.

Contact: Jim Sturrock, Research Manager

The Vanier Institute of the Family released the third edition of their "Profiling Canada's Families III" in November 2004. The Research and Statistics Division of the Department provided funding for this overview (in partnership with Social Development Canada). This publication builds on their earlier publications (I & II) that analysed Statistics Canada data on families, including the 2001 Census and other important household and personal surveys. Information reported included, basic demographics, incomes, immigration, family justice (marriage, divorce, etc.) and criminal justice (crime rates, family violence) issues and sociological issues related to labour force participation, sharing of work in the household, etc. ▲

Implementation of the "New" Survey of Divorces

Contact: Cathy Thomson, Senior Research Officer.

The Research and Statistics Division is currently working on the conversion of the former Survey of Child Support Awards to the "Survey of Divorces". Work has been completed on a revised website application to collect information on finalized divorce cases in the selected family courts (at least one per province and territory). The revised Survey of Divorces will provide more complete information from family court files on finalized divorces (with and without children) on related issues of parenting arrangements, that is: the nature and extent of physical custody of the children, decision-making responsibilities, child support obligations and terms of access. Also, more information will be collected on spousal support, and some basic demographic information as well, age and sex of parties, etc. This project is to be completed in early 2005. ▲

Court Files Review Pilot Project

Contact: Dr. Cherami Wichmann, A/Senior Research Officer.

This project will collect detailed information from family court divorce files involving children in a selection of family courts across Canada. Information to be collected includes: the types of documents that are typically in court files; determine how "best interest of the child" are utilized; the language of parenting arrangements; children's voices; how often and why are their voices being heard in court ; the clarity of information provided on the disposition of parenting time for each parent (are parenting plans or schedules used; how often does domestic violence appear in court cases; what types of orders (support, access, custody) are applied for how often are there provisions for: access enforcement, supervised visits, mediation or other ADR; time to resolve cases, etc. This project would be a first of two or three projects to monitor changes and provide more detailed information with respect to the changes in the proposed divorce legislation. This project is scheduled to be completed by mid 2005. ▲

Exploiting Data from the National Longitudinal Survey of Children and Youth (NLSCY).

Contact: Cathy Thomson, Senior Research Officer.

The Department has already conducted four studies using the first three cycles of this survey (1994/95, 1996/97, 1998/99) and reported on those results. Cycles 4 (2000/01) and 5 (2002/03) are close to being finalized by Statistics Canada and available for analysis. Their availability will allow an update of various trends seen in the first three cycles with regard to changes in physical residence for children, contact by non-residence fathers with their children, regularity of child support payments; nature and extent of parenting arrangements between parents, number and type of transitions (changes in the makeup of their family structure) children go through and at what ages and circumstance for their parents. ▲

Recidivism among Domestic Violence Offenders in Ontario Courts

Contact: Fernando Mata, Senior Research Officer.

A report entitled Recidivism among Domestic Violence Offenders in Ontario Courts is currently being completed in partnership with the Ontario Attorney General Domestic Violence Team. This project compares three types of recidivism in domestic violence cases that come before the specialized Domestic Violence Courts (DVC) in the province, as well as those that come before the non-specialized courts. The study sample includes 1,000 offenders whose cases were adjudicated in Ontario in 2001. ▲

Review of the Nunavut Community Justice Program

Contact: Manon Harvey, Research Analyst.

The Department of Justice Canada, in collaboration with the Nunavut Department of Justice, has undertaken a review of the Nunavut Community Justice Program. Through the Community Justice Program, the aim of the Nunavut Department of Justice is to support communities in taking greater responsibility for offenders and victims. The Department has also emphasized prevention and healing at the community level in an

REVIEW OF THE NUNAVUT...
continued...

attempt to shift complete reliance away from the mainstream approaches involving formal charges, court appearances and incarceration

The Program review was undertaken in four of Nunavut's twenty-six communities and is based on in depth consultations with Community Justice Committees, Community Justice Specialists, RCMP, Justices of the Peace, and other key federal and territorial justice personnel. Findings show that although significant progress has been made since the implementation of the Program in 1993 in all four communities, regardless of the strength of the committee, there are challenges that require remedial action. The report makes a number of practical recommendations to address these. ▲

B-SAFER Pilot Project

Contact: Anna Paletta, Research Manager.

The Department of Justice Canada contracted the British Columbia Institute Against Family Violence (BCIFV) to develop a tool for use by criminal justice professionals (for example, police and corrections officers, prosecutors, judges and parole boards) in their response to cases of domestic violence. Specifically, the purpose of this tool is to facilitate criminal justice professionals in their assessment of risk in spousal abuse cases, help victims plan strategies to increase their safety, and help in preventing further and more serious incidents of domestic violence.

Based on their Spousal Assault Risk Assessment Guide (SARA), a risk assessment tool developed for community-based prevention programs, the BCIFV developed the Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER). B-SAFER includes a check list of risk factors, a manual, and a structured interview for use with victims. It was then pilot tested with five police services in three provinces; the report also includes the findings of the testing of a similar tool in Sweden. ▲

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HTTP://CANADA.JUSTICE.GC.CA/EN/PS/RS/INDEX.HTML

JustReleased

Here is a list of reports recently released by the Research and Statistics Division of the Department of Justice Canada that may be of interest to you, all of which are available on our Internet site at: **http://canada.justice.gc.ca/en/ps/rs/rep/100-e.html**

"Creating a Framework for the Wisdom of the Community": Review of Victim Services in Nunavut, Northwest and Yukon Territories

Between January 2001 and August 2002 the Research and Statistics Division and the Policy Centre for Victim Issues undertook extensive consultation with victim service providers, community based service providers and government officials across the three territories. This project had a number of inter-related tasks and objectives. In addition to developing a comprehensive inventory of services currently available to victims of crime in Nunavut, the Northwest Territories and Yukon, the project also identified best practices, challenges, and gaps in delivery of victim services in the territories.

This report summarizes the findings from that consultation process and makes recommendations to address the issues raised. The recommendations are based on the experiences shared and the context of each territory. http://canada.justice.gc.ca/en/ps/rs/rep/rr03vic-3/index.html

Representation for Immigrants and Refugee Claimants: Final Study Report

This study examines the needs of immigrants and refugees for legal assistance and representation. The study identifies the stages in the immigration and refugee process and the circumstances under which various forms of advice, assistance and representation may be required. http://canada.justice.gc.ca/en/ps/rs/rep/rr03lars-16/index.html

A One-Day Snapshot of Aboriginal Youth in Custody Across Canada: Phase II

This study provides precise incarceration rates for Aboriginal and non-Aboriginal youth in Canada and discusses some of the possible explanations for the higher rates among Aboriginal youth. http://canada.justice.gc.ca/en/ps/rs/rep/snap2/index.html

The Future of Conditional Sentencing: Perspectives of Appellate Judges

The purpose of this research project was to generate information about the conditional sentence of imprisonment, post-Proulx, from the perspective of the judiciary. More specifically, the research will explore a range of issues, including judicial reaction to proposed amendments to the conditional sentence regime by undertaking "mini" focus groups and interviews with appellate judges in Québec, Ontario, and Manitoba. This research is important to the Department as it demonstrates a proactive approach. Furthermore, although judges are routinely consulted in other jurisdictions, this has not often happened in Canada.
http://canada.justice.gc.ca/en/ps/rs/rep/rr04-8/rr04-8.html